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CONTENTS

OF

No. XLI.

For July 1, 1834.

	Page
ART. I. BENTHAM'S DEONTOLOGY	1
Deontology, or, The Science of Morality: in which the Harmony and Coincidence of Duty and Self-Interest, Virtue and Felicity, Prudence and Benevolence, are explained and exemplified. From the MSS. of Jeremy Bentham. Arranged and Edited by John Bowring.	
II. VAN DIEMEN'S LAND	18
1. The Van Diemen's Land Almanack for the year 1833.	
2. The Van Diemen's Land Annual, and Hobart Town Almanack for the year 1833, with Seven Copper-plate Engravings.	
3. The Hobart Town Monthly Magazine, Nos. I. and II.	
III. THE DORSETSHIRE LABOURERS	52
1. Statutes at large. 5th Geo. IV. c. 95. An Act to Repeal the Laws relative to the Combination of Workmen, and for other purposes. A.D. 1824. 6th Geo. IV. c. 129. An Act to Repeal the Laws relating to the Combination of Workmen, and to make other provisions in lieu thereof. A.D. 1825.	
2. A Manual of the Law with regard to Public Meetings and Political Societies. By Thomas James Arnold, Esq. of Lincoln's Inn, Barrister-at-law.	
IV. CHURCH MONOPOLY	62
Quarterly Review, No. CI.; Article on 'Dr. Adam Clarke.'	
V. JACOBITE MEMOIRS	78
Jacobite Memoirs of the Rebellion of 1745. By Robert Chambers, Author of 'Traditions of Edinburgh,' &c.	
VI. OBJECTS OF THE CATILINARIAN CONSPIRACY	89
C. Sallustii Crispi de Catilinæ Conjuratone deque Bello Jugurthino Libri. Cod. scriptis simul impressisque quadranginta amplius collatis, recensuit, atque annotationibus illustravit Henricus E. Allen.	
VII. LAW PATRONAGE	102
An Act for the Regulation of the Proceedings and Practice of certain Offices of the High Court of Chancery in England. 3 & 4 Wm. IV.	
VIII. DAL POZZO'S HAPPINESS OF ITALY	118
Della Felicità che gl' Italiani possono e debbono dal Governo Austriaco procurarsi; col Piano di un' Associazione per tutta Italia, &c.	
IX. ARISTOCRATIC TAXATION	140

CONTENTS.

	<i>Page</i>
The Finance Accounts of the United Kingdom, for the Year 1833, ended the 5th of January 1834; Ordered by the House of Commons to be printed.	
X. BRITISH AIDE-TOI SOCIETY	185
Aide-Toi Society (Proposals for). In the Spectator Newspaper, of 12th, 19th, 26th April 1834.	
XI. IMPROVEMENT OF THE METROPOLIS	195
Suggestions for the Architectural Improvement of the Western part of London. By Sydney Smirke, F.S.A., &c.	
XII. PAMPHLET IN MODERN GREEK AND FRENCH ON OUT-POST CAVALRY	204
1. ΣΤΕΙΝΣΦΟΡΑΙ ΕΝΟΣ ΣΤΡΑΤΙΩΤΙΚΟΥ. Φυλλάδιον Α'. ΠΕΡΙ ΤΩΝ ΜΕΣΩΝ, &c. Contributions d'un Militaire. No. I. Sur les Moyens de procurer à l'Infanterie l'Assistance de la Cavalerie Légère pour le service des Avant-Postes, avec le Sixième de l'ordinaire de Chevaux.	
2. Idem; in French only.	
3. Idem; a <i>rifacimento</i> made in France.	
XIII. DO. ON TELEGRAPHERS, HORSE AND FOOT, FOR FIELD SERVICE	211
ΣΤΕΙΝΣΦΟΡΑΙ ΕΝΟΣ ΣΤΡΑΤΙΩΤΙΚΟΥ. Φυλλάδιον Β'. ΠΕΡΙ ΔΙΟΡΓΑΝΗΣΕΩΣ ΤΗΛΕΓΡΑΦΕΩΝ, &c. Contributions d'un Militaire. No. II. Sur l'Organisation des Télégraphes à cheval et à pied, pour le service de campagne. (En Grec moderne et en Français.)	
XIV. LOCAL REGISTRATION	214
1. Report from the Select Committee on Parochial Registration. Parl. Papers, Session 1833.	
2. Bill to establish a Registry of all Births, Marriages, and Deaths in England and Wales. Parl. Papers, Session 1834.	
XV. CHINESE EMPIRE AND TRADE. /	221
Journal of Three Voyages along the Coast of China, in 1831, 1832, 1833, with notices of Siam, Corea, and the Lou-choo Islands. By Charles Gützlaff.	
XVI. FIRST REPORT OF MESSRS. VILLIERS AND BOWRING	257
First Report on the Commercial Relations between France and Great Britain, addressed to the Right Honourable the Lords of the Committee of Privy Council for Trade and Plantations, by George Villiers and John Bowring, with a Supplementary Report, by John Bowring.—Presented to both Houses of Parliament by Command of His Majesty.	
List of Books, &c.	

CONTENTS

OF

No. XLII.

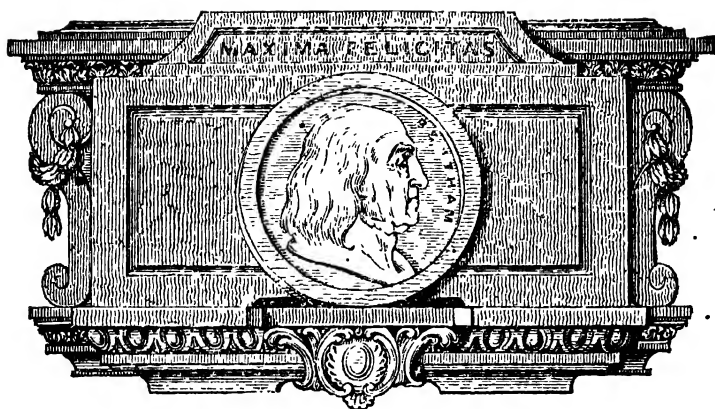
For Oct. 1, 1834.

	<i>Page</i>
ART. I. GENERAL JACKSON AND THE BANK OF THE UNITED STATES	273
1. A Short History of Paper-Money and Banking in the United States. By William M. Gouge.	
2. Report of the Union Committee. New York. 1834.	
II. DIAMOND DISTRICT OF BRAZIL	297
Voyage dans le District des Diamans et sur le Littoral du Brésil, suivi de Notes sur quelques Plantes caractéristiques, et d'un Précis de l'Histoire des Révolutions de l'Empire Brésilien depuis le commencement du Règne de Jean VI jusqu' à l'Abdication de D. Pedro. Par Auguste De Saint-Hilaire, Chevalier de la Légion-d'Honneur, membre de l'Académie royale des Sciences de l'Institut de France, &c. &c.	
III. PARLIAMENTS OF OUR ANCESTORS	319
Rotuli Litterarum Clausarum in Turri Londinensi asservati. Accurante Thoma Duffus Hardy, è Soc. Int. Templ. S.A.S.	
IV. VARIATIONS OF THE ENGLISH TONGUE	334
English Grammar. By the Rev. J. Russell, D.D., Rector of St. Botolph's, Bishopgate, and late Head-Master of Charter-house School.	
V. CRIMINAL LAW REFORM	353
1. A Bill intituled An Act for Establishing a New Court for the Trial of Offences committed in the Metropolis and Parts adjoining. Parliamentary Papers. Session 1834.	
2. A Bill intituled An Act for rendering more effectual in certain cases Proceedings before Justices of the Peace, and for the better Suppression of Offences. Parliamentary Papers. Session 1834.	
VI. CHURCH ESTABLISHMENTS	372
1. Bill for the Commutation of Tithes. Session 1834.	
2. Registry Bill. Do.	
3. Bill for the Admission of Dissenters to the Universities.	
VII. ARABIC MSS. IN SPAIN	378
Disertacion historica sobre los Archivos de España y su antigüedad, con algunas reglas para su coordinacion. Historical Dissertation on the Archives of Spain and their antiquity, with rules for reducing them to order. By Don Francisco de Porras Huidobro.	
VIII. CAB AND OMNIBUS NUISANCE	395

CONTENTS.

Page

IX. SIR JAMES MACKINTOSH'S HISTORY OF THE REVOLUTION IN 1688	399
History of the Revolution in England in 1688. By the late Right Hon. Sir James Mackintosh.	
X. SECOND SESSION OF THE REFORMED HOUSE	427
Votes and Proceedings of the House of Commons. Parliamentary Papers. Session 1834.	
XI. NEW SOUTH AUSTRALIAN COLONY	441
1. The New British Province of Australia ; or a Description of the Country, illustrated by Charts and Views ; with an Account of the Principles, Objects, Plan, and Prospects of the Colony.	
2. An Historical and Statistical Account of New South Wales. By John Dunmore Lang, D.D.	
3. Hints relating to Emigrants and Emigration. By the Rev. Henry Carmichael, A.M.	
XII. LESSON FOR THE WHIGS FROM SPAIN	476
Proceedings of the Spanish Cortes. Session 1834.	
XIII. BORDWINE'S NEW SYSTEM OF FORTIFICATION	480
Memoir of a Proposed New System of Permanent Fortification. (In English and French). By Joseph Bordwine, Professor of Fortification at the Honourable East-India Company's Military Seminary, Addiscombe, late of the Quarter-Master General's Staff, &c.	
XIV. DIPLOMATIC SECRECY	484
1. Machiavel, son Genie et ses Erreurs. By A. F. Artaud, ancien Chargé d'Affaires de France à Florence, à Vienne, et à Rome, Président de la Société des Bibliophiles Français.	
2. Traité Complet de Diplomatie. Par un Ancien Ministre.	
XV. VAGARIES OF THE SCHOOLMASTER,	495
Speech of Lord Brougham to the Burgesses of Inverness. Edinburgh Paper, Sept. 1834.	
XVI. INFLUENCE OF THE PRESS	498
The Influence of the Press. Blackwood's Edinburgh Magazine. No. 226, for September 1834.	
Index, List of Books, &c.	



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ART. I.—*Deontology; or, The Science of Morality: in which the Harmony and Coincidence of Duty and Self-Interest, Virtue and Felicity, Prudence and Benevolence, are explained and exemplified. From the MSS. of Jeremy Bentham. Arranged and Edited by John Bowring.*—2 vols. 8vo. London; Longman and Co. Edinburgh; Tait. 1831.

AT a period like the present, when the *multitudinous* classes of society throughout Europe are agitated by a more or less distinct impression of the injustice, cruelty, and fraud, to which they have been subjected by the classes which arrogate to themselves the title of the *higher*,—exacerbated in this and the neighbouring country of France by the additional sting of the evil having been continued or brought on by the treachery

VOL. XXI.—*Westminster Review.*

B •

of those who were looked upon as friends,—few more substantial services can be attempted to the community at large, than any effort to throw light upon the real nature, origin, and extent of men's duties towards themselves and one another,—what men are to endure, and why,—what they are to protect themselves from, and how,—what are the remediable or preventible evils of man's estate, and what not,—and what information can be gained from the common-sense of past or present individuals (which is philosophy), upon any of these important questions.

To any man who to a tolerable familiarity with the leading events of his own age has joined a certain acquaintance with the history of past periods and other countries, it is needless to do more than recapitulate the facts, that the leading phenomenon of all time, has consisted in an incessant series of efforts on the part of such specimens of the human race as found themselves in possession of wealth or power, to turn those qualities to advantage as the instruments of obtaining more, at the expense of the less wealthy and less powerful. These efforts have as incessantly been met, by a spirit sometimes of active and sometimes of passive resistance, on the part of the suffering classes; and the consoling, and in the existing stage of man's history the incalculably important result, is that on the whole a gradual process of self-protection has been going on, which from time to time has obliged the oppressors to abandon certain grounds and yield up certain claims, confining themselves to such war against the interests of the community as could be carried on upon what was left. But here again,—lest man's improvement should advance too rapidly,—a degree of counter-balance has been caused by the springing up of new forms and opportunities of oppression, arising out of the new and progressive state of things, and supplying to a considerable extent the places of the old. For example, the old persuasion of a feudal aristocrat, was that he ought to take the vassal's service for his wars *ad libitum*, and the vassal's wife's for three days and nights by way of composition for a longer period. His descendant in the present day, transfers his demand of military service to the waterborne; and commutes his claim on the other corporal subsidy, into a tax on the food of the family he permits to be reared without his personal interference. With a proper portion of the wisdom of the serpent, he is ready to admit the primitive claims to be worn-out, and even to descant occasionally upon the advantageous comparison of the present times with the past. He gives up as sour, the grapes he believes to be unattainable, and attaches himself to such as appear to be within his reach.

In this and almost every known state of human society, there has further existed a permanent order of men, bound to the upper and oppressive classes by strong ties, reinforced in most instances by negations or privations tending to cut them off from a common interest with the rest of the community; and to this order has by custom and opinion been in great measure committed the determining, or which is the same thing the *making*, of both private and public morality. They were to be the fountains,—they were to hold the spout,—from which men were to be baptized with the knowledge of what was good and evil, as regarded their conduct towards their fellow-citizens, their government, and foreign nations. They were not by any direct wire to control the utterance of laws by the judge, the sovereign, or the publicist; but they were to be laid under an almost invincible necessity of combining their influences over the individuals who were to be the personal actors in all these kinds, to knead and mould them into one continuous and irresistible system. The name given to the result, was *social order*; which always involves a begging of the question, that the social order produced is a good one. There is no doubt of its being ‘social order,’ or such order as the society is allowed to have; but the question for a wise man would be, whether it is such as the society should be content with. And the answer to this, will depend on discovering some general principle for determining, independently of the dicta of any class or classes of men, what it is that individuals and the society *ought* to have,—what is meant by the term *ought*,—what are the means of its attainment, and what the measure of the degree. In this it will be reasonable to expect opposition from the moral-making classes. No man loves a rival in the market, or rejoices to see a rule set up with the avowed purpose of over-riding the rule, so far as it shall be found opposing, which he has been labouring to set up himself. But it must be submitted to, with what grace the sufferers may. The history of the world presents one continuous example, of the gradual submission and subjection of this sacerdotal class, to successive eruptions and rebellions of the principle of reason or philosophy, inserted in man; and it would only be a repetition of the perpetual mistake, to suppose that the end was reached just now. As far as concerns the portion of history included in the Christian æra, the constantly advanced claim, as well known, has been, to the right of deciding as the interpreters of revelation. And the as constantly employed weapon of the conquerors, has been the proving,—to the satisfaction, if not of the opponents, at all events of large and important masses of mankind,—that the

interpreters could not interpret their own rule; and this without at all involving the question of the authenticity of the rule. The right of burning heretics, and forcing nations of other religions 'to come in,' would have been strictly adhered to till the present day, if the reason of mankind, exercising itself upon abstract principles of what the patriarch of Westminster has chosen to call 'Deontology,' had not discovered that such things ought not to be. It may be true to a very considerable extent, that certain general maxims avowed in the declared revelation, have added light and authority to the gropings of mankind after the reasons why heretics should not be burnt. But it is not the less true, that all that was done was done in the teeth of the most violent resistance on the part of the great majority of those who maintained themselves to be the possessors and interpreters of the rule, or what for brevity may be called the orthodox; and that it was only by degrees, and through great tribulations, that the protesters gained footing enough to be allowed to live in peace, till they should be disturbed in turn by the repetition of a similar process upon themselves.

The upshot of all this is, that man can find out what is good, or in other words can work out the principles of 'Deontology,' as he can of Geometry or any other science; and that if he could not, he would still have been burning heretics at home, except when he was busy crusading abroad. It is of no use to perplex the case with the question, whether he could or not have done this without the aid of revelation; for no objection is made to any man getting light at any time from any quarter that he can. The thing maintained is, that 'Deontology' of some kind has been and is, at all events a 'worker together,' and that without such working together, there is the evidence of facts that the result, such as it is, would not have been attained.

What then is the basis of this science, the existence of which in the minds of men, has in all ages been the controller and teacher of the priesthood, the legislator, and the politician, so far as they have been controlled or taught at all,—the science of the *δέον* [*deon*] or that which *ought* or *ought not* to be?*

The common word pushed forward in answer, has been *duty*;

* It is interesting to pursue the meaning of words of similar import in different languages, as indicative of the ideas uppermost in the minds of the users. *Δέον* is from *δεῖ* 'it ought to be,' and this again is from *δέω* *ligo*, 'to bind;' which connexion is exactly copied in the Latin *obligatio*. The Latin *debeo*, which like the Saxon is used both for 'owing money' and 'ought,' appears to be *de* and *habeo*, 'having' something 'of' or 'from' another person; that is to say, in some way commanded by or dependent on the connexion with him.

which is only Gallicized Latin for the Saxon *ought*. The answer therefore, when cleared of the tongues, is that the basis of what a man ought to do, is what he ought to do; a poor conclusion. But what is the common property, the general attribute, of those things which it is declared *ought* to be done, and of those which *ought not*? What has been manifestly running in the heads of all mankind since the existence of language, is that there is something of the nature of an obligation or bond;—something which powerfully binds a man to do certain acts or to abstain from certain others. A different branch of the same metaphor represents the existence of a *debt*; a certain course of action to be followed, for reasons of the same kind that a debt is to be paid. The reasons may exist in some evil that is to come upon the recusant, either from particular individuals or from the society at large; or they may consist in an appeal to certain habits or feelings the debtor is supposed to possess, which will make it uncomfortable for him to continue in the non-discharge of the so-called *debt*. But whichever of these it may be, the mere recognition of such a term as *debt*, whether in a savage of the Tropics or the Pole, implies the consciousness of a force of some kind, impelling an individual to one course rather than to the contrary; and which, though he may possibly resist, he must still resist at the expense of resisting a force. There is a tide in favour of his doing a certain act; and though he may perhaps swim against it, it must at all events be at the expense of swimming against a tide.

But if there is a force, can there be any doubt upon whom it must act? The question might seem of matchless absurdity, if the doubt had not been raised with imperturbable gravity by men that pass for wise. When mankind since their beginning have used terms akin to *obligation*, did they mean an obligation upon the person bound, or an obligation upon somebody else? There seems to be no danger in assuming, that it must be upon the person bound. There is visibly no touching a man, but through himself first or last. When we talk of his fine feelings for other people, we evidently mean the feelings produced *in himself* by what he sees done to other people. If a man is said to feel more for other people than for himself, what is meant is manifestly that the feelings excited in him by the view of other people's situation, are more piquant and energetic than those excited in him by the consideration of his own. If a mother in a famine should divide her last morsel among her children to the exclusion of herself, this would be because the pain of seeing her children want, was greater than the pain of

suffering want herself; and the least reasonable of all conclusions would be, that it was because she did not feel at all. It might seem trifling or irrational to go into such a point as this, if the fact was not, that the researches of the moderns after the principles of Deontology, have been protested against in totality, by individuals of no inconsiderable name*, under the title of the 'selfish' Theory of Morals, upon this very ground and no other, that they referred all obligation to a man's 'self' and not to somebody else. The whole being in fact a pun, and a poor one, on the popular meaning of the word 'selfish' as derived from 'self.' Because reasons were to act upon a man's self, they fancied they must be 'selfish;' and set themselves in consequence, it is to be presumed, to find reasons that should operate without acting upon a man at all. If they had declared, or attempted to prove, that no weight or too little had been given to those feelings which are excited in men by view of what happens to others, they would have had some ground under their feet; but it so happens, that the parties impugned had been particularly diffuse in examining and laying down the different ways in which men felt in consequence of viewing the feelings of other men, and in dragging this principle forward as forming a large and important part of any just theory of the 'ought' and the 'ought not.' In fact they had avowed, that without the *ad libitum* use of this principle,—to which they had given the good round term of the 'principle of sympathy,'—they would not undertake to make anything like a theory of morals at all.

Akin to this, is the objection,—which is noticed as having come from a respected source,—that benevolence has been based on a calculation of good to accrue to the individual *from others*, and that it ought to have been confined to a calculation of good to accrue to the individual *from himself*. In the first place, there may be suspected to be some mistake between benevolence and beneficence. When the supporters of the Greatest Happiness principle were twitted with inability to give a reason why men should do good to others, it seems perfectly justifiable that they should have given as *one* reason the fact that to do good to others is in the long run the sure way for a man to obtain a great deal of positive good to himself in turn. There was nothing base or abject in producing this motive among others; it was little more than saying, 'Blessed are the merciful, for they shall obtain mercy.' But when the production of this reason for beneficence is brought forward as if it had been the *only*

reason ever advanced, it might be inferred that not a word had been discoverable on the pleasures of 'sympathy,' or the tendency of acts of benevolence to the creation of 'habits of benevolence' which like all other habits produce gratification by their indulgence. The manifest operation of such habits, is to make the happiness of others realize itself so vividly in our minds, as to constitute our happiness and to become a motive, independently of, and in addition to, any absolute good to be derived from others in return. Who, when he relieves a maimed sailor in the street, does it with a view to the chance of finding the sailor ready on his road home, to knock down a mad dog with his crutch, according to the received recipe in children's books on such occasions? Nevertheless the story may not be without its use, in awakening the attention of children to the desirableness of cultivating the good-will of others; and it may be doubted whether there was ever a child so flinty-hearted, as to infer the desirableness of limiting the exercise of charity to occasions where there was a probability of receiving subsequent assistance from the crutch. In addition to the mistake between benevolence and beneficence, there is probably in the objection described, a little tendency to the superfine. It appears to border on the 'divine love' of the French mystics; where the Divine Being was represented as the supreme object of love, but to make the love pure there was to be a sieving-out of all considerations of past or future good derivable from the beloved object, and the lover was to go all lengths in loving, with the single reservation that it was to be for nothing but the abstract pleasure to be discovered in the exercise of the affection. There is nothing to hinder any man from going to the utmost length to which he feels excited, in developing the portion of the principle which relates to the good to accrue to an individual *from himself*; but there appears no reason why he should demand to begin by cutting off the good he is also to receive *from others*.

If it has been sufficiently established, that a motive to be felt must be felt by the man that is to be moved,—the next point is to try to get light on the nature and description of the force or forces, that do or may operate on individuals and societies; and to collect, if possible, what it is, of which men in all ages appear to have had a more or less distinct vision in the shape of some general and tolerably concise rule. And,—to begin at the beginning,—the first and rudest force or set of forces that operate upon mankind, is the desire to possess anything that promises present pleasure, and avoid whatever indicates present pain. If a man could be imagined to be called into existence

with all his susceptibilities fully developed, but with as complete an absence of experience as occurs in an infant; there can be no doubt that he would proceed to make himself agreeable to the first handsome woman he met, with as much simplicity and ignorance of possible reasons to the contrary, as a child stretches out its hand to a passing fruit-basket. And till he had had some time to acquire more gentlemanly habits, he would very probably, as some savages would perhaps do in like circumstances, conduct himself very cavalierly towards any male protector who should interfere with his will and pleasure. He has yet to learn, that there are other men of equal strength, who admire beauty too,—and that the personal contests consequent on clashing wills on these occasions, are apt to be such as to make it desirable for all parties that there should be some rule for a general accommodation. The same unlicked creature, would to a certainty never suffer hunger while he knew there was food in the domiciles of his neighbours; till he had been rapped on the fingers sufficiently often to make him abstain as a pointer does from partridge. These are the first or rudest forces that would operate on such a being, or that would be called into action among a multitude of such beings if they were many. And there is no difficulty in seeing, either in what manner, or on what principle, they are speedily modified and to a certain extent neutralized. The *manner* is, by the operation of one man's resistance to another's wishes; the *principle* is, that greater good or less evil *is to accrue to the individuals upon the whole*. Frankenstein's man is to let other men's pottage alone, because the knocks he will get in pursuance of his object, will be worse to bear than going without the pottage. He must find out that there is a pottage that is lawful and right; and set himself to study Burke upon legitimate enjoyment. And if Frankenstein made many men, they must knock their heads together till they can come to some terms as to what and where each of them shall eat unhindered by the rest; as has in fact been done in all situations into which companies of human beings have been thrown.

Here then is a very clear apparition of the principle of the greater good; or if the phrase may be lapsed into without offence, the 'greatest happiness.' It may not be a perfect dilatation and evolution of the principle; but it is an exhibition as far as it goes. Frankenstein's men may be a long time before they come to a perfect cognizance of all and every imaginable bend and sinuosity in their new science; but they have manifestly got hold of the end. The rule for them all to aim at, clearly is, the rule which, they would voluntarily

agree upon if each was equally likely to be the subject of the rule in turn. And this is no other, than the rule which will produce the greatest quantity of happiness upon the whole. For if the rule is anything else,—supposing each member of the society or his immediate intimates to be equally gifted with bodily powers,—there will instantly arise a desire to have recourse to claws, in consequence of the absence of the balance which is to produce a general peace. It is true that one may say to another, ‘You shall have none of *my* pottage, but I reserve to myself the right of taking a tenth of *yours* ;’ and he may claw and beat him till he consents,—in other words he may reduce him to a state of slavery. But this would go under a distinct name, at all events in the mind of the sufferer ; and instead of being considered as a sacrifice to the new principle, would be considered as a sacrifice to its absence.

Rude and imperfect as would be the efforts of such a generation to come to an understanding and enforcement of this common rule, there would no doubt be numerous instances of individuals who took every opportunity of breaking it, when the prospect of retribution from individuals or the society at large did not press strongly on their view. The family of Frankenstein would in fact have got pretty nearly into the condition of New Zealand. Why some families have gone beyond this state and others have stuck fast in it, is one of the mysteries of human history. But if the family in question was one of the destined to advance, it would form the leading rules into something that would be called laws, and organize and improve the means of employing the united force of the society in their support. And as these processes were invigorated and refined, a new discovery would begin to arise upon the considerate barbarian,—which is, that taking all risks into the account, the chances of an ordinary man for happiness, were much greater by following the rule, than by flying in its face. He might still have a lickerish leaning towards the trade of Cacus ; but the suspicion that he might at some time or other fall in with a stronger power than his own, would keep ninety-nine hundredths of the community within the pale of ‘*ne quis fur*.’ The remaining hundredth might perhaps take to the caves, and declare it a delightful life ; but the sober ninety-and-nine and their posterity, when they saw the occasional members of the runagates blackening in the sun, would only bless themselves that they had been wise enough to chuse the better part ; and if an inquisitive philosopher pressed them for a reason why any man should sacrifice his personal impulses to the good of the society, they would point to the ghastly memorials and leave the inference to be completed

from the comparison of their own better estate. And in this or a somewhat advanced state of society, there would be no difficulty in discovering the same principle in operation in a less rude form. '*Depressi non bella est fama Treboni* *' is the same motive in a gentler shape. If Horace had said, 'But Papa, if I can do the deed and escape being caught?'—then Horace *père* would have replied, by asking how he knew he should not be caught. If the youngster had responded, that he should certainly prefer the bait, even with the knowledge of the hook that was concealed in it,—his father would then have applied himself to the portion of the argument which dwells on the inferior profit of the immediate gratification compared with the evil that is to be the result. In all this there seems to be no difficulty in satisfactorily eliciting the principle, that the reason why a man is to sacrifice his own present wishes or greatest happiness to the greatest happiness of the public, is because his relations with the public are so constituted, that the odds are that his sacrifice to the general happiness is incomparably the best thing for *himself* in the end.

The next discovery which would seem to lie open to an observant speculator on the process going on,—or which at all events might be easily as the anatomists say *demonstrated* by anybody who had already got possession of the idea,—would be, that the rule which gave the greatest aggregate quantity of happiness, always gave the happiness of *the greatest number of individuals*. In other words, that beginning with the rule which gives the greatest aggregate enjoyed by somebody and everybody, there was no such thing as diminishing the happiness of twenty individuals under pretence of giving the amount of their loss in the shape of satisfaction to ten or one, without creating on the whole a diminution of the sum. And this upon the principle which it is easy for any man to satisfy himself of by putting himself into the situation of the opposing parties in turn,—that if half-a-crown each be taken from a score of men who are poor and weak, to be given to one who is rich and strong, each half-crown is of more importance to the poor man who loses it than to the rich who gains, and consequently the sum of all the losses is of more importance to the losers than the sum of all the gains to the gainers.

However individuals might occasionally be disposed to wrest this rule for their own purposes, there can be little doubt that they would all be glad to appeal to it when the rule lay on their

* '*The reputation of caught Trebonius, is nothing to covet.*' Represented by Horace, as his father's demonstration to him in his youth, why he should avoid the risk of actions for *crim. con.*

own side. And there is a manifest popularity and general applicability about it, which makes it a tower of strength to whoever has it in his favour. This then is the rule which would soon come to be trumpeted abroad under some such title as *justice*. All men appeal to *justice*. Why do they appeal to *justice*? Simply because justice is the rule constituted and contrived with the view to its being what all human creatures in their turn shall have an interest in appealing to. It does not follow that justice shall be perfectly understood or thoroughly wrought out in all its bearings, by any of the parties concerned; this would be requiring of the young world what the world's maturity may go on for ever to approach to. But the prompting purport, the object, of the pursuit is clear.

Soon after the idea of justice, there springs up in the minds of men the idea of another rule of conduct, possessing many affinities to the other, but founded on collecting the consequences of men's actions from other sources than that interference of the society which is invoked under the name of justice. There are many acts which public interference cannot touch; or public interference may be evaded or escaped, and still there may be a train of consequences descending on the actor. And this new rule and its contrary, will be more or less obscurely alluded to by the multitude, under the phrases of *good* and *bad* actions, *virtuous* and *vicious*, *moral* and *immoral*. The last pair of expressions points strongly to the existence of a rule; for it is presumable they do not mean *manners* and *no manners*, but *what is according to some rule of manners* and *what is not*. And what can the rule be, but as before, that which is calculated to produce the greatest happiness? If nobody has ever pretended to point out any rule that is not resolvable into this, the point may be considered as established. It is true that men have talked an infinite quantity beside the mark; but the Benthamite bow-shot goes through all the rings like the arrow of Ulysses. Some, for instance, have declared that certain actions were to be done or avoided, because they were honourable or dishonourable, decorous or shameful. What did this amount to, but that there were certain consequences resulting from the opinion of the public or of the individual himself, which were capable of overbalancing such inducements as might exist to the opposite course? Others spoke abstractedly of the necessity of pursuing the public good; which was deficient only in the explanation of the way in which the connexion was established between the public good and that of the individual who was to act. And this in fact remains a point to this day open for improved investigation; a leading clue perhaps being, that in the major

part if not all of the instances where public and private good appear to clash, the public good is unreal, fictitious, or perhaps public evil. Some again apparently took the plan of recommending misery. Their highest merit was placed in privations, macerations, stripes: But these too, were followers of the Greatest Happiness Principle, as Cromwell's follower said, *after a sort*; for their reason invariably was, that these sufferings were to be followed at some future period by an overbearing weight of happiness. The question therefore was not one of principle, but only of time and place. The Stylite was as greedy of happiness as Sardanapalus; only he looked for it at a different season, and took a different road. One more race there was, who said that virtue ought to be followed because it was virtue;—and that any man who followed virtue for any reason but because it was virtue, had as good as no virtue at all. But even these must be convincible of admitting virtue to be a something to be desired; though they show no reason why, beyond an identical proposition. And the admission that virtue is an object to be desired, appears to bring even this shadowy tribe within the range of the Greatest Happiness Principle.

Morality then is the rule of conduct which if universally pursued would produce the greatest aggregate of happiness;—a great light gained, though it does not incontinently follow, as some have demanded, that the knowledge of the principle should be attended with the knowledge of all possible applications of it, any more than in the case of the principle of Gravitation. And one line of inquiry which will perhaps be open to improvement as long as the world endures, is the digging out and applying to practical use the knowledge of the various ways in which the breaches of the general rule find their way into unpleasant operation on the individual. In which pursuit the proposition before-mentioned, that of the uncertainty of escape, appears to bear a prominent part. There is a tendency for drunkards to have red noses, and various other evils; some drunkards may escape them; but the feeblest of all possible speculations, is to take the drunkard that escapes, and make him the measure of the policy of taking to drink. The question is not, will it be a good bargain if I escape; but is it a good bargain now, with all the chances that I may *not* escape. The object therefore should be to expand and elucidate the connexion between the breach of a certain rule and *consequent* suffering, for the benefit of those who have the act before them. This is Moral Philosophy.

In all this there is no vain tinkling, no babbling about 'virtue' and other things inexplicable or, unexplained; all is tangible,

intelligible, good for man's edification, useful for his conduct as regards all possible suppositions of his past, present, and future estate; capable of being interwoven with all and every system of religious belief, except such as bear upon their front the stamp of enmity to mankind. This is *Bentham*.

But there are wider branches, and in which the fruit is still farther from being gathered to the full extent. Individuals everywhere are in contact with the complex thing called a *government*. The *beau idéal* might possibly be, that themselves should compose the government; but the practice is evidently yet at a great distance from the theory. And however far the theory should ever be carried into execution, there must still always be a small minority in numbers that constitute the body termed distinctively *the government*. It may be a body that is to be kept with more or less of precision within a certain rule by the agency of the rest of the community; but at all events there must be a rule. What then is it to be? And here the answer springs forward by analogy,—*the Greatest Happiness*. Of whom? Of the governors or the governed? Of both together. And here is a field for all of the present and coming generation who have any touch of talent for historical elucidation, to trace not only the effects of certain rules of action and the departure from them on the general happiness, but in a peculiar manner to trace the interest which the governing parties separately possess in the preservation of the rule; taking advantage of all the analogies presented by the less complicated subject of private Morality. A man is not to, make what is not there; but the man is a fool, that getting hold of a respectable analogy, does not make himself sure of all that is to be had upon its track. Two points, therefore, for inquiry or notice at once present themselves. Is there a connexion traceable between the happiness of the governors and that of the community at large, of the same kind as between the happiness of the individual and the community in the case of the Moral rule? What says the old almanac history? Evolve it, chase it, ferret it out; there is matter for a century of abler historiographers than the world has seen. And ever keep in view the second point; which is, that the question is not whether bad governments have ever escaped punishment, but whether the odds of experience are in favour of a government's governing in the interest of the community, or in the interest of somebody that is opposed to it. If the digestion of one bishopric, with its prebends and smaller intestines, could be diverted to the elucidation of this class of verities, what a crop of useful knowledge might be poured upon the world, even though confirmation should languish, and visit-

ations should wax dim, in the ratio of the deduction from the previous funds for their support.

And here emerges the meaning of one of those other mighty words which have always drawn mankind after them however imperfectly their true bearing might be known,—*Liberty*. Who would not be free? Everybody for himself at least, has said 'We must be free.' What then has been the meaning of this awful sound? Not, what has been the meaning of every knave that used or opposed it,—for who but themselves can tell what all imaginable knaves have meant; but what has been the grand leading idea, which in all ages has led men to follow after the magic of this word, as including something which called on them to drop all minor consideration of loss or gain, and come forward with bodies, children, goods, as willing sacrifices if need were before the altar of this divinity? The conduct of universal man has declared by acclamation, that what they united in pursuing, setting aside errors in judgment on the means or of opinion on the form, was the relief from all interference of a government, *except such as increased the general happiness*. Here then is Benthamism in the Home Department; holding out the same analogies, and presenting the same mirror for the trial of truth or falsehood, as in the previous branches. What a crackling is by this time in men's ears, of the coming down of the tawdry lath-and-plaster palaces and tinkling pagodas of sugar-candy, which interest and folly have intruded upon the walks of human life. What is *Patriotism*, if it is to be cut down to that attachment to countrymen which induces the joining to advance the general good,—not a vague readiness to be the instruments of all and every profligate who shall chuse to beat up for recruits to do harm to others for his selfish ends? What *Loyalty*, if it is to mean only the rational attachment of men to laws themselves have made,—and not a preparation for adhering to the first public enemy who shall pluck up heart to proceed to oppress the state? Sad is the wear and tear, dismal the expenditure of phrases thrown away to waste, which the progress of this philosophy threatens in the coming ages of the world. Who will be able to govern a people, when there is no use in talking nonsense to them? Manifestly nobody but themselves. The faster therefore the people advance in the requisite knowledge, the more sure apparently are the lovers of order of preserving the object they admire.

As the people of this and other countries, notwithstanding the temporary checks arising from the desertion of the officers, are on the whole engaged in a mighty movement of advance

upon this very point of improving the art and mystery of governors, it is allowable to dilate a little upon the nature of their object. That object is decidedly the increase of the General Happiness;—not the happiness of one class or order as distinguished from the happiness of the rest of the community;—nor yet the happiness of the rest as distinguished from the happiness of some class or order;—but the aggregate happiness of all. And this throws wondrous light upon the reasonableness of the people's actual demands, or of such as may be gathered to be in their minds or in the contemplation of their leaders. For example, if they were bent upon meting out to their oppressors in the richer classes the measure with which they have themselves been measured,—they would propose that voting should be limited to men possessing under 10*l.* a-year, that nobody should sit for a borough who had above 300*l.*, and 600*l.* for a county,—and that no man should enter parliament who did not swear to being a partner in the trade in foreign corn. If the people proposed this, they would propose the mathematical converse of the treatment they have received; and as far as the rude justice is concerned which operates through the *lex talionis*, it would be impossible to urge a word against the equity of the demand. But view the moderation and long-suffering of the people. They have advanced no such claims as these. They have never said an eye for an eye, a tooth for a tooth, nor a pillage for a pillage. They have simply stood, and stand, upon progression towards the point where the greatest happiness of all, the suspected classes included, shall be consulted by admitting all to their due influence be it much or little in the great market of suffrage. They want to take no man's property, they want only to have the use of their own; and they know and feel that so long as they have not at least the share of suffrage that would befall them in an open market, they are in the same state of unmerited bondage, as if they were kept out of the literal market on the pretence that the rich might buy. They make no immediate demand touching the rate or time of arrival; but they hold fast to the principle, and when they are asked in church, they mean to multiply its partisans. The only real question is, whether the principle does not concede too much; whether the practical evidence that has been given of the total incapacity of the richer classes when left to themselves, to ward off enormous evils from themselves and other persons, does not exclaim trumpet-tongued on the necessity and policy of subjecting them for their own sakes to a greater popular check than would arise out of the ultimate introduction of universal suffrage. The solution perhaps will be in the *locus penitentie*.

afforded to the richer classes by the interval during which the system is in progression. If during this interval they "tak' a thought and mend," and no particular collision or suffering arises during the operation, it seems possible enough that the people may forget their injuries and not stand upon ulterior caution.

But there is yet another track in which the principle of the greatest happiness is destined to be brilliantly diffused. There is the conduct of men towards one another in their congregate capacity of *nations*. That much is done already, is announced by the astounding fact, that Bentham was the inventor of the word *international**. He died two years ago at only eighty-four; and before him, it appears that communities had not sufficiently meditated on the nature of their relations, to create a demand for such a term. If heaven takes care of nations, what a stir must have been there on the arrival of the man that invented *international*. And what a vista does the application of the principle in question open to the human race. If it does not, like Laplace's principle of planetary compensations, hold forth a capability of eternity, it at all events seems to say that nations are in the infancy of their existence. There wants somebody to re-write Vattel and—

' Wicquefort,

And Puffendorf and Grotius ;'—

many thanks to the Antijacobin for having strung their names together into some sort of reasonable memory. It is true that these authorities have not been without glimpses, or even strong and sturdy applications, of the principle of pursuing general good and avoiding unnecessary evil. But the principle is far from being carried out, in the way that will at some time be consequent on its extended illustration, and the aid and force derived from the analogies of its operation in other cases.

How is the happiness of nations to be estimated? As nations are composed of individuals, the happiness of nations must be composed of the happiness of individuals. But there may be an effect upon individuals which comes to them in their private capacity, and an effect which comes to them through their nationality. If the Maltese and Barbary powers kidnap one another's people, this may be a suffering that comes to them in their private capacity. If the greater barbarian governments

* 'It was the ambition of a Roman Emperor to plant a word which should be allowed by after times to grow. Two words, at least, have been planted by Bentham, and adopted into our language,—the adjective *international*, the noun *codification*, with its conjugates, to codify and codifiers.' —*Deontology*. History of, by Editor. vol. i. p. 322.

invade the civilized portion of Europe, the sufferings to men from this cause may come to them in great measure through their nationality. A man may not have received a sixpence from the Revolution of July, nor have lost a sixpence through the defeat of the efforts which followed on its suffocation; and yet he may have gained greatly through his nationality in one case, and have suffered in the other. This is a point the enemy will naturally try to raise a puzzle on. Again, what is the true state of the question of *interference*, and of what goes by the name of *propagandism*, which is incorporeal interference? Is there any analogy to the right which men have always maintained, of preaching down, for instance, thieves,—and not attending to the declamations such thieves might utter against the unfairness of letting loose a *propagande* against their trade? Is there any such thing as establishing a distinction, independently of the wishes of the parties immediately at issue, between things that ought to be propagated and things that ought not; and though of course the preacher of heresy cannot expect to go into the thieves strong-holds without the chance of maltreatment, is there any getting the masses that are outside to agree to laugh to scorn the idea of admitting any protest that shall extend beyond the borders of iniquity? It is well known, that at the matter stands, the barbarous powers themselves exercise a most insolent *propagande*; and wherever men are gathered together for their own protection, there are they in the midst to threaten and to distract. Will this be always so? It is a loop-hole, through which men may spy enough to make them answer, it will not.

Justice then, *Morality*, *Home Politics*, *Foreign Politics*, have one common back-bone that runs through all, and which he that does not discern, loses half the clue to his anatomy of the subdivisions. What an invasion upon law-craft, and pulpit-craft, and Home and Foreign Secretaries craft, when, the Mechanics Institutes are called in to sit in judgment on their claims. The multitude of mankind can hardly fail to see, what a string they have got to pull at. If they could only be persuaded that the thing is not finished yet;—that it does not consist in hard words, but that there is really and truly a great science or half-a-dozen great sciences opening out upon them, in which they have every chance to be beforehand, and every the smallest inference from which, as fast as it comes into combination with the practical conviction of mankind, tells like a thunderbolt upon their enemies;—a large portion of those who now eat the scanty and bitter bread of oppressors, might look forward with at least the alleviation of hope.

ART. II.—1. *The Van Diemen's Land Almanack for the year 1833.* 12mo.—Hobart Town : Edited and Printed by Henry Melville, Elizabeth Street.

2. *The Van Diemen's Land Annual, and Hobart Town Almanack for the year 1833, with Seven Copper-plate Engravings.* 12mo.—Hobart Town, Van Diemen's Land : Printed by James Ross.

3. *The Hobart Town Monthly Magazine, Nos. I. and II.* 8vo.—Van Diemen's Land : Henry Melville, Elizabeth Street, Hobart Town.

THE titles of these works are prefixed to the present article, first, to show the progress which literature has made in the smallest of the Australasian colonies ; and, secondly, to take advantage of certain observations therein contained on Prison Discipline, deduced from facts in constant operation, witnessed on the spot, and it may be presumed, therefore, bearing an intrinsic value.

In a recent publication, it is stated, that the whole of Australasia, including the two colonies of New South Wales and Van Diemen's Land, might be compared to a filled sack tied with a cord, the puckered mouth of the sack representing in its situation and proportion the comparatively insignificant colony of Van Diemen's Land. And yet this diminutive spot, this mere speck on the surface of the vast Southern Ocean, is rising fast into a powerful territory, and even now far excels its elder and more populous neighbour, in the extent, the capacity, and the ability of its literature. It has two Annual Almanacks, one Monthly Magazine conducted with spirit, and nine newspapers, seven of which are published in Hobart Town, and two at Launceston.

'Thirty years ago,' observes a writer in the Hobart Town Magazine, 'Van Diemen's Land was worse than a wilderness, the abode only of the brutal savage and the not more brutal beast of prey. Human habitation it had none, save the wretched hut of the miserable native ; and nature revelled throughout the whole island in its most rude and wildest riot. What is the case now ? The nucleus of a powerful territory has been planted ; towns and villages have sprung up in the very heart of the apparently impenetrable forest ; an extensive and increasing commerce* has been established, and every

* The total number of vessels that arrived in the port of Hobart Town from the 1st of January, to the 24th of December, 1832, exclusive of small craft from the neighbouring ports and the government vessels, is as follows :—

51 ships	-	-	-	-	18,214 tons.
25 brigs	-	-	-	-	4,201
29 schooners	-	-	-	-	1,948
<hr/>					
105					24,363

where are seen the marks of man's power and perseverance, triumphing over physical obstacles with a celerity and certainty perfectly marvellous. Who, as he gazes upon any of the beautiful and finely-cultivated estates, with which the colony is now studded, can reconcile with their present luxuriant condition, the idea that they were once, and at no very distant period, covered with timber and stone? True it is, there are in many instances, great facilities afforded both by the soil and the climate of this country; but these would have availed but little if they had not been judiciously turned to account by the reflection and industry of man.'

In England Van Diemen's Land is generally considered as a penal colony, filled for the most part with the scum and refuse of the gaols and hulks, and if not absolutely over-run with natives and bush-rangers, still so infested with them as to become imbued with a species of perilous interest. Selfish and designing persons have done much to propagate and foster this pernicious delusion. Here is the strain in which one of these indulges;—'It is now universally admitted that our North American colonies present immense advantages over all other stations for the emigrant. New South Wales and Van Diemen's Land are abandoned by all judicious settlers. Possessions are held there at the mouth of the pistol, and there is hardly any chance that agricultural pursuits can be made to answer in the end, in consequence of the unsettled condition of the loose and vagrant population, and the increasing inroads of the natives.' The only reasonable way of accounting for such declarations, is by supposing that the author possesses some two or three thousand acres in some of 'our North American colonies,' which he is anxious to dispose of to some adventurous emigrant.

Putting out of the question the perils and privations incident to a voyage of sixteen thousand miles, the virtues and qualifications of an emigrant who desires to do well in Van Diemen's Land, are not very numerous. Industry, perseverance, sobriety, and patience, with a tolerable share of judgment and caution, in one word unvarying steadiness, are the principal; and if to these be added a small capital of a few hundred pounds, the freaks of Fortune must be very capricious indeed, if their possessor does not succeed to his heart's content. But, it may be asked,—'Who but an idiot, would emigrate at all, if he had a capital of a few hundred pounds?' In answer to which may be put the following case,—a case that might occur daily for the next fifty years. Suppose an industrious, sober, and frugal farmer, after twenty or thirty years of downright slavery, fighting manfully all the time against a most frightful host of

direct and indirect taxation, and moving earth and heaven to pay his way; with a wife as industrious, sober, and frugal as himself, and some half-dozen children in every respect worthy of their parents;—suppose such a man, upon a timely consideration of his affairs, were to discover that a perseverance in his unequal warfare would entail upon him certain and inevitable ruin, while, by the very simple mode of disposing of his stock and regularly ‘selling off,’ he could pay twenty shillings in the pound, and put five or six hundred pounds in his pocket to boot. Will not such a man very materially mend his condition by emigrating?

On his arrival in Van Diemen's Land, his first object will be the purchase of some land,—for the ‘good old times’ of gratuitous grants are all gone by, greatly to the disadvantage of the colony. By carefully selecting his square mile, consisting, in round numbers, of six hundred and forty acres, he will greatly facilitate his future labours; and, with the assistance of his sons and the prisoner-servants who will be assigned to him by the government, he will soon ‘clear’ enough land to enable him to carry on his farming operations with spirit and profit. It shall be supposed he clears altogether about two hundred acres; this, of course, cannot be done in a day, but it is done; and what is he to do with the remainder? He may have a ‘run’ for his cattle and sheep, so that he may supply the commissariat or his neighbours with beef and mutton, and send home a few hundred pounds of wool from his year's ‘clip.’ If, in addition to this, he can contrive to let his wife attend to a dairy, and make good butter and cheese, he will speedily find a ready market for its produce, and turn it all to very excellent account. Let it, all this time, be held in remembrance that in the colony, taxation, with all its grinding horrors, has not yet made much progress; indeed, the various duties which are actually imposed, can hardly be dignified with the high-sounding title of taxes.

After establishing the benefits which a settler in Van Diemen's Land would certainly derive from a prudent and diligent exercise of his active energies, the next point is to notice the assertions that have been made, regarding the ‘unsettled condition of the loose and vagrant population, and the unceasing inroads of the natives.’

There is a passage in the Hobart Town Magazine which bears pointedly on this subject. It occurs in a review of ‘The Van Diemen's Land Almanack for 1833.’

‘Truly,’ says this writer, ‘has the editor styled the aborigines a very interesting portion of his subject. It presents many melancholy

points for reflection, and comprises sad and horrible examples of the atrocity and cruelty of man, under circumstances of the most trifling instigation. We doubt, and ever have doubted, the moral right, even under every circumstance of provoking aggravation, of destroying systematically and by wholesale, the aborigines of this country. As to the expediency,—nay, we will say, the actual necessity of such a course,—we are free to admit, that it was rendered urgent and imperative by the sedulous and skilful aggressions of the natives; but, then, a simple but startling question obtrudes itself:—"What was the cause of these aggressions?" We could write a volume in answer to this; we will, however, content ourselves with merely recording one simple anecdote. During the first ten years of the colony, the vicinity of the Coal River was much infested with the natives; they probably found that district congenial to the purposes of their simple subsistence, and attached to the spot, did not like to leave it. But, then, the "white man"—of all tyrants the most tyrannical,—came to "settle" there, with his flocks and herds, his family and his stock-keepers. The native regarded the intrusion with distrust—it may be with displeasure,—but he offered no molestation; he did not even point his spear at the dog which was wantonly sent to worry him. Well, the "white man" settled on the banks of the river; his flocks and herds were turned out to graze on the "run," and his stock-keepers had each his duty assigned to him. Of all brutes wearing the human form and assuming its attributes, some of the early stock-keepers were the most brutal—the most diabolical. No atrocity was too horrible; no deed too dark and sanguinary for their depraved and debased debauchery; and if ever the Enemy of Mankind possessed the human form, he revelled to his heart's content in that of these villainous stock-keepers. One of these scoundrels on the Coal River, named Carrots, since dead, (and the wretch died in his bed, we believe) "took a fancy" to the wife of one of the natives: of course he was determined to possess her, and in his attempt to carry her off he found it convenient to kill her husband. This was a matter of no consequence then; but what did the brute do? How did he aggravate his crime; for his black heart, satiated as it was with similar outrages, wanted some additional stimulus? He actually cut off the murdered man's head, hung it round his neck, and compelled the unfortunate widow to accompany him to his hut thus diabolically decorated! Nor was this all: the beast boasted of his brutality—boasted of it to men wearing the garb of humanity, but most probably wanting all its best and dearest attributes! What followed this base and abominable outrage? What might have been naturally expected—the plunder of the settlers' flocks and herds: and then was the tocsin sounded for the extermination of the natives, systematically and by wholesale!—*No. I. pp. 30, 31.*

From this time, the extermination of the natives, or at all events, the prevention of their 'inroads,' became a prominent object of the government; and as this is a subject extremely

interesting in itself, and apparently very far from being properly understood here, no apology needs be presented for entering into its consideration.

After an incessant series of reciprocal outrages between the bush-rangers and stock-keepers on one side, and the natives on the other*, a government notice was issued on the 29th of November 1826, wherein, after reference to the series of outrages perpetrated by the aborigines, and a statement of his Excellency's uniform anxiety to inculcate a spirit of forbearance towards them, it was promulgated,—

‘1. That in the event of a felony being committed, or of an apparent determination existing on the part of the native tribes to attack, rob, or murder the white inhabitants, any persons might arm, and joining the military, contribute to drive them by force to a safe distance.

‘2. That they might be apprehended, and if resistance were offered, force might be resorted to for that purpose, by any persons acting under the direction of a magistrate or peace-officer, in case of their assembling in such manner as to excite fear, or betraying an intention to do any harm, short of felony, to the person or property of any one.

‘3. That if any natives should have actually committed felonies, the magistrates shall use all exertions to discover and apprehend, on their warrant, the principals concerned therein, and that the officer executing the same might employ force if the offenders could not otherwise be taken, or if acts of violence or intimidation were resorted to by them on their behalf.

‘4. That any person having actually witnessed the commission of a felony, might raise the neighbourhood and pursue and seize the offenders by all such means as a constable might use.’—*Van Diemen's Land Almanack for 1833*, p. 91.

These regulations do not seem to have been very implicitly obeyed; at all events, they were not effective in preventing the aggressions of the natives, for on the same day of the year following, a second government notice appeared, referring to the renewed outrages of the blacks, and directing the magistrates to act up to the letter of the previous ‘Notice.’ At the same time (*See Almanack*) the Lieutenant Governor stated, that sufficient

* In the course of this cruel and lawless hostility, two natives were formally tried for murder in the Supreme Court at Hobart Town; and being convicted on the clearest evidence, they were publicly executed on the 26th of September, 1826. The policy of this proceeding has been more than questioned; as it increased to a frightful extent the bitter animosity of the blacks, and effectually put an end to all hope of a pacific negotiation with them; a consummation, it is conjectured, by no means improbable, had proper and judicious measures been pursued.

troops to give confidence to the inhabitants, would be at the disposal of the civil power in every district; but expressed his wish to have it understood, that his own confidence chiefly reposed in the adoption of vigorous measures by the magistrates and constables, who were expected to unite every degree of prudence and humanity, with the energy and decision so necessary on this distressing occasion.

But this proposed remedy did not reach the evil it was intended to eradicate; and on the 5th of April 1828, a more dignified 'Notice' appeared in the form of a Proclamation, issued 'for the protection of the natives against the attacks of aggression, violence, and cruelty, committed on them by the stock-keepers and others, his Majesty's subjects, and for the purpose of causing the natives to retire from the settled districts of the island, in consideration of their continuing to perpetrate frequent unprovoked outrages on the persons and property of the settlers, and to commit repeated wanton and barbarous murders and other crimes.' To prevent as far as possible the consequences of these disastrous collisions, the proclamation now alluded to established a line of military posts along the confines of the settled districts, beyond which the natives were forbidden to advance; and every method was adopted, both by the government and its auxiliaries, to make known to the blacks the nature and purport of the proclamation. Still, however, the blacks continued their depredations, which were resolutely and destructively carried on, in defiance of a declaration of martial law, and of the pursuance of every reasonable measure of prevention.

It may be readily supposed, that the secluded settlers in the interior were exposed to much injury and peril by the insidious attacks of the natives; the local government, therefore, felt extremely anxious effectually to put an end to the evil,—and finding the measures that have been mentioned perfectly unavailing, a plan was adopted in 1830, 'the object of which was to force the whole of the aboriginal population into one corner of the island, forming a peninsula with a very narrow isthmus, and which was thought capable of being easily rendered impassable to the natives, when once inclosed within its limits.' To accomplish this great undertaking, the government called earnestly upon the inhabitants to co-operate with the authorities, and 'so well was the call answered, with so pure and disinterested a zeal was the whole population animated, that a force of no less than four thousand civilians was assembled on the day appointed, ready to undertake whatever duties were assigned them. This burst of patriotic zeal was even carried

further; for many of the inhabitants of Hobart Town and Launceston, who were unable, by age or other causes, to take the field, rendered equally good service by volunteering to perform the whole garrison duty of the two towns;—thus placing at the disposal of government a number equal to themselves of soldiers, who accordingly proceeded to the more active duties of the campaign.'

This warlike 'gathering' of the colonists was technically termed 'the Line,' a title it still sarcastically retains; and its operations were arranged upon the good old Highland plan described in Waverley, and the wild natives were to be driven into a corner, like so many Scottish red-deer. The Lieutenant-governor, wisely resolving to share the hardships as well as the glories of the campaign, headed the expedition, and, with few exceptions, every man who could shoulder a gun or flourish a sword, readily joined it. Forth then they marched, resolutely and in high glee, into the 'bush;' but, however elevated might have been their ardour when they first set out, it was speedily fated to undergo a considerable depression. Those who are not well experienced in the mode of traversing the 'bush' of Van Diemen's Land,—and many of these valorous civilians had never before set foot in it,—can have but a faint conception of the almost insurmountable impediments which oppose the wanderer at every turn. Even small parties of four or five are subjected to no ordinary difficulties,—what, then, could a multitude of four or five thousand expect or anticipate? Those who were not misled by the enthusiasm of the moment, truly predicted the utter failure of this formidable expedition; and, as far as its more marked and immediate object was concerned, it certainly did fail in a very remarkable manner; for, it is believed, that during the whole two months of its action, only one poor decrepid native was captured, or even seen; while it has been since ascertained, that the daily operations and advances of 'the Line,' were cautiously and carefully watched by the natives, whose intimate knowledge of the country, and whose natural cunning and sagacity, enabled them easily to do so without the slightest risk of discovery.

Notwithstanding, however, the failure of the expedition, as regarded the accomplishment of its grand primary object, the most beneficial results have accrued from the mere attempt which was made to effect it. The same means which the natives possessed, of watching undiscovered the progress and operations of 'the Line,' have imparted to them the salutary information, that the whole colony is armed against them; and that any unprovoked outrage on their parts will be instantly and

certainly avenged. Another circumstance, too, of a far more engaging character, hastened very materially to curb the ferocity of the natives. An enterprising individual of the name of Robinson, who had been previously a thriving master-mechanic at Hobart Town, volunteered to take charge of an establishment for the reception of such natives as might be accessible to the advantages of civilization. Under the direction of a committee appointed by the government, and indeed forming an integral part of it, Mr. Robinson has succeeded in persuading a whole tribe to allow themselves to be removed to a neighbouring island, where they are to be 'protected, civilized, and instructed in those habits, pursuits, and enjoyments, which exalt human beings above the brutes that perish.'

Too much reliance, however, ought not to be placed upon this amiable mode of conciliating the natives. Of all beings wearing the human form, the Aboriginal inhabitants of Van Diemen's Land are perhaps the most debased and barbarous. Their complexion is jet black, their hair coarse and woolly, their features flat, disagreeable, almost hideous. They go perfectly naked, and live entirely in the woods, with no other habitation than a hollow tree, or cave, or at best a miserable hut rudely constructed of sticks and bark. Their mind is as dark and debased as their bodies. Their manners and habits are characterized by the low instinctive craftiness and cunning, the exercise of which is alone adapted to their precarious and predatory mode of existence. With the cunning of the fox they combine the active ferocity of the tiger; and as the wild animals of their country resemble none other in the known world, so do they differ from all human beings hitherto discovered by the restless spirit of enterprize. In a word, they possess in a remarkable degree the highest attributes of brute instinct, rendered more powerful and more pernicious by the perverted glimmering of reason, with which even the lowest in the scale of humanity are to a certain extent endowed. Imagine, for a moment, the brutal passions of such beings, enraged and excited by a series of the most abominable, and, in the first instance, unprovoked outrages, and then contemplate the probability of their civilization by the very people, who exhibited towards them on their first acquaintance so many tender mercies. A few stragglers, caught perchance when almost perishing from hunger,—or even a broken or scattered tribe, fallen in with when flying from a conquering enemy,—may give ample occupation to Mr. Robinson's exertions, and infinite scope for the philosophical labours of the committee; but a very slight acquaintance with human nature,

either in its highest or lowest grades, would be quite sufficient to prove the utter inutility of this civilizing scheme. As a proof of this, it is sufficient only to relate the following circumstance, which occurred at Launceston, the western capital of the island, in January 1833, and which is copied with a few verbal alterations, from the '*Launceston Independent*.'—

'On Sunday night, 27th January, the three Aborigines, who have been recently perambulating the streets of Launceston, made their escape. Mr. Robinson, it appears, had formed so good an opinion of these men, that he was induced to take them from the jail and place them under little or no constraint. The blacks showed every sign of being perfectly satisfied till Sunday morning, when one of them observed some fires on the North Eastern hills, which were immediately pronounced to be 'black man's fires.' They appeared particularly elated, dancing for joy, and telling every body that black men were near. Towards midnight it was observed their fire, which they always kept burning, had gone out, but this did not excite suspicion, and it was not until the following morning, that their escape was discovered.'

Here, then, is a proof of the attachment which these wild, untutored beings possess for their original savage life; while it points out, at the same time, how easily the slumbering energies of this rude attachment are excited. These individuals were enjoying every comfort of civilized life,—nay, they were a sort of pets with the inhabitants of Launceston, and were fully imbued with the importance of the interest which they created. The red fire on the hill, however, recalled scenes of former toil, but of unrestricted liberty; it was 'black man's fire,' perhaps that of their own tribe, and within a few hours reach. Here was temptation not to be resisted. The editor of the '*Launceston Independent*,' concludes the account of their escape with the following remark.—

'We are sorry that these men have betaken themselves again to the bush, not so much on account of fearing their future attacks, for, from the treatment they have experienced, we fancy a good feeling prevails on their part towards the white population; but we are sorry on account of the poor creatures themselves, who have now again become targets for the aim of any man who carries a musket and chooses to fire at them. As soon as Mr. Robinson arrives, it is believed he will set out in search of the party, and with his well known experience he will doubtlessly soon be enabled to find traces which will ultimately lead to their discovery.'

In all this, however, there appears nothing that opposes the concluding statement of the writer in the '*Almanack*,' who

says, that 'At the present moment, we rejoice to say, no atrocities are committed, no fears are entertained, peace and good-will seem established, and it is almost forgotten, that such a thing as apprehension from the incursions of the Aborigines ever existed.' So much then for the 'increasing inroads' so authoritatively asserted by the advocate of 'our North American Colonies.'

But the principal object of the present Article, is the Prison Discipline in Van Diemen's Land.

On this, there present themselves two leading and important considerations; First, the character of the punishment,—Secondly, its effects upon the reformation of the offender.

An idea very extensively prevails, that—as the phrase runs—'transportation is no punishment;' a notion which the press of Tasmania, with only one exception, has condemned in no very mild or measured terms. 'I had particular opportunities,' says Mr. Gibbon Wakefield, 'of observing the impression made upon the minds of convicts under sentence of transportation, because, in the first place, there is always a considerable number of such persons in Newgate; and secondly, Newgate is a sort of lodging-house for convicts coming from the country prisons: they remain there for a short time, but quite long enough to give anybody who is an inmate of a prison, an opportunity of observing the impression upon their minds. I took very great pains during the course of three years to observe the state of mind of those persons, and I do not now remember a single instance in which a prisoner appeared to me deeply affected by the prospect of being transported to the Colonies, when he expected to go there, and bent upon attaining a degree of wealth and happiness such as he had no prospect of attaining in this country. Amongst a number of persons sentenced to transportation, and living together, I have generally found one, and sometimes two or three, who had already been in the Colonies; and it is very seldom a session passes at the Old Bailey, without the conviction of some man, who had been transported before; consequently the convicts associating with these men, have the best opportunity of hearing reports as to the state of the convicts in New South Wales and Van Diemen's Land. These reports are always exceedingly favourable; in many cases, no doubt, they are much exaggerated in favour of the convict, because a man who returns from transportation takes pleasure in making people believe that he has cheated the law, and that he has enjoyed himself notwithstanding the sentence passed against him. But whilst some allowance must

be made for this exaggeration of the returned convict, the story he has to tell is, when true, a very favourable one in the estimation of these people. He states such facts as, that a great number of the persons who keep carriages in Sydney were once convicts, and he gives the names of those persons, and describes how they, in the course of a very few years, have raised themselves from the situation of convicts, to that of the most important persons in point of wealth, perhaps, in the Colony. All these representations are received with great delight by the convicts, and those who think upon the subject at all, go out with the prospect of benefiting themselves and doing well.'

There is other evidence to adduce in that of Mr. James Busby, late Collector of Internal Revenue in New South Wales. 'I have known individuals,' says this gentleman, 'who have committed crimes to get to New South Wales, and I think I have known of people who have endeavoured to induce their relatives or connexions to commit crime, in order to get them sent out.' Again, Mr. Potter Macqueen, whose testimony will not bear the slightest doubt, states, in evidence before a Committee of the House of Commons, that he considers the condition of the convict labourer in New South Wales as infinitely superior to that of the agricultural labourers of this country; 'and I have found,' he continues, 'from my own experience as a magistrate, that many persons have asked me, what extent of crime would insure them transportation?'

The evidence quoted bears more immediate and direct reference to New South Wales than to Van Diemen's Land, and the most forcible of Mr. Wakefield's observations certainly apply more particularly to the elder and more populous colony. When he states, that the convict returned from transportation tells those who are under sentence, that 'a great number of the persons who keep carriages in Sydney were once convicts,' he states a truth as notorious as the sun; and although the 'emancipists' as they are termed are by no means so numerous or so important in Van Diemen's Land*, there are still some individuals of this class who have amassed considerable wealth, and who hold a very respectable rank in the Colony.

* There are two causes which have hitherto operated against the advancement of the Emancipists, as a class, in Van Diemen's Land; first, the comparatively young existence of the Colony; and secondly, its having been originally, and for some years, a penal settlement for the convicted felons of New South Wales,—individuals, it may be presumed, not very likely to shine conspicuously hereafter as wealthy emancipists.

In the 'Van Diemen's Land Almanack,' as well as in the Annual,' the consideration of prison discipline occupies a conspicuous situation. In the former however, the editor contents himself with the collection of a few striking facts, subversive of the doctrine that 'transportation is no punishment;' while Dr. Ross, in the latter, has given to the public an elaborate 'Essay,' the matured fruit of several years experience.

The means of punishment and reformation employed in Van Diemen's Land, are founded upon, and derived from, three leading principles,—separation, watchfulness, and restraint; and in order to show how beneficially they operate in the Colony in question, it is necessary to point out the *surveillance* to which the convict is there subjected on his arrival.

'Even on his very landing,' says Dr. Ross, 'the mental punishment of the convict commences. * * * The Principal Superintendent, and the Muster-Master, commence taking an accurate account both of his person, and of every circumstance that can be collected from himself, or is recorded of his former life or character. He is placed in a gauge to measure his height; his complexion, hair, features, and so forth, are carefully noted down; his body is examined to discover any particular marks, that may serve to identify him in case he should ever attempt to abscond. And strange to say, these people very commonly employ much of their time on the passage out, in puncturing and marking with gun-powder their hands, arms, and breasts, with various letters and figures, which being indelible, often assist the constables in apprehending them.'

'On landing they are marched up from the beach to the large gaols called the prisoners barracks. There, attended by the Chief Police Magistrate, the Principal Superintendent of Convicts, the Superintendent of the Prisoners Barracks, and other officers, as well as by the Surgeon-Superintendent and the Master of the Ship to deliver up their charge, the Lieutenant-Governor inspects and scrutinizes them one by one, while the Principal Superintendent points out the destination of each as recommended by the "Board of Assignment," in the service of the several settlers, who had applied for men in rotation. His Excellency makes very minute inquiries as to the conduct of each prisoner aboard the vessel, and ascertains whether any one among them has any just complaint to make of the treatment he had experienced during the voyage. Having thus carefully gone over all, he addresses them in a body, he reminds them of the miserable situation to which they have reduced themselves by transgressing the laws of their country; he exhorts them in the most compassionate terms to take warning by the past, to commence a new life in the new country in which they are now placed; he points out to them in very strong terms, that the only way to wipe out the stain that now disgraces them, to regain their lost character, is steadily to pursue a line of good conduct, patiently to submit to and comply with the laws and regulations to which they are now subjected, to be respectful and

obedient to their employers: on the other hand he cautions them against the certain consequences of an opposite course; he warns them that their conduct will be most narrowly looked into; that the most minute fault will be recorded against them, and will stand in the way of any future application for indulgence to the Government; he describes, in very vivid colours, the series of graduated punishments that awaits them, if they should persist in their vicious habits, and which we have endeavoured to detail; he especially warns them against the horrid vice of drunkenness, which is, in so many instances, the forerunner of all other crimes, and which so frequently leads its victim to a premature death, by an emaciated frame, or the gallows.'—*Essay in Annual*, p. 90, 91.

Whatever favourable notions the convict might have hitherto entertained regarding the comforts and blessings of transportation, this plain and salutary 'address' of his Excellency is very properly calculated to put to flight; and the discipline to which he is subjected proves, in a very short time, a plain and practical illustration of the truth and sincerity of his Excellency's promises.

If a prisoner has not committed any very heinous offence, and if his conduct on the voyage has been tolerably correct, he is placed among those who are considered capable and deserving of filling the situations of 'assigned servants;' in other words, of labourers, or hired servants, in the service of the several settlers; while those whose conduct and character are notoriously bad, are not allowed the privilege of this indulgence. If a man be well-disposed, penitent, and resolutely determined to lead a new life, no better opportunity could be devised than that which is afforded him by his situation as an assigned servant. Labour, of course, is strictly and unceasingly enjoined; and labour, too, not immediately or at first very obviously conducive to the labourer's own benefit. But a man whose disposition is good, will cheerfully identify himself with the interests of his master, provided always, and above all things, that the master evinces a necessary regard toward the welfare of his bondsman. The Government has used every exertion to provide for the comfort of the diligent 'assigned servants,' and the following are the regulations promulgated for this purpose.—

1. 'In order that no excuse for the non-performance of a just proportion of labour may be adduced by the convict, it will be the indispensable duty of his master to furnish him with the following rations per week:—meat, 10½ lbs; flour, 10½ ditto; sugar, 7 oz.; soap, 3½ ditto; and salt, 3 ditto. Any further quantities of these articles, or any tea or tobacco, are to be supplied at the discretion of the master, in case he shall think them proper or necessary, as a stimulus to industry, or under any special circumstances. I

II. 'It will also be the duty of the master to furnish each servant with woollen slop clothing, two suits; stock-keepers boots, three pairs; shirts, four; caps or hats, one per annum; bedding to consist of a paillasse stuffed with wool, two blankets, and a rug; to be considered the property of the master, and retained by him on the discharge of the servant,—of a quality equal to those issued from the public stores.

III. 'The supply of food and clothing above specified, with comfortable lodging and medicine in the event of sickness, being deemed fully equivalent, no payment of wages is in future to be demanded by the convict; and it is strongly recommended that none shall be allowed.

IV. 'The arrangement thus prescribed will be specified in an instrument of assignment, the conditions of which will be rigidly enforced.'

In addition to these regulations, the prisoner, on his assignment, receives from the public stores a complete suit of clothing, for which his master pays the sum of one guinea. By this plan the Government hopes to obviate the dissatisfaction so frequently expressed at receiving servants insufficiently clothed.

The regulations respecting female servants are not so elaborate, the Government having, in all cases as regards them, left a great deal to the will and judgment of the settler. As respects the essential articles of diet and clothing, the following rules are laid down:—

'The weekly rations to consist of $8\frac{1}{2}$ lbs. of flour, $5\frac{1}{4}$ lbs. of meat, two ounces of tea, $\frac{1}{2}$ lb. of sugar, 2 oz. of soap, $1\frac{1}{2}$ oz. of salt.

'The wearing apparel to consist of, per annum, one cotton gown, two bed-gowns or jackets, three shifts, two flannel petticoats, two stuff ditto, three pairs of shoes, three calico caps, three pairs of stockings, two neckerchiefs, three check-aprons, one bonnet.

'The above articles of dress to be of a plain or neat description, not exceeding the cost of seven pounds per annum; and beyond which allowance the Lieutenant-Governor strongly recommends that no female convict should be remunerated.

'Each assigned servant is also to be furnished with bedding, to consist of a paillasse stuffed with wool, two blankets, and a rug, which are to be considered the property of the master, and retained by him on the discharge of the servant.'

Thus far the Government regulations; but it is very seldom that they are strictly acted upon. The agricultural settler, whose establishment is extensive, and who has twenty or more men in his employment, may, as it is called, 'put them on their rations;' but generally, they have an unlimited allowance of meat, flour, and vegetables, with a certain quantity of tea and tobacco; and certainly, as far as lodging, food, and clothing are concerned, the majority of assigned servants have nothing to

complain of. This system of assigning servants may be viewed as one of the most valuable and efficacious instruments within the whole range of prison discipline. It is under the watchful and salutary *surveillance* of this sort of servitude,—where the slightest offence will surely meet with severe and summary punishment, and where every attempt even, at a bad action will receive its reward,—that the bad may be induced to reform, and the well-disposed and penitent find every encouragement to persist in their meritorious intentions. Entrusted to a certain extent with the exercise of their own free-will, if they are treated with common humanity, and if but a reasonable degree of attention be paid to their welfare, those men must indeed be bad-hearted and debased who will not suffer themselves to be favourably influenced by such treatment. Even the very nature of their occupation, if they have but a glimmering of thought and feeling left in their bosoms, must conduce very materially to the instigation and encouragement of those emotions which may eventually terminate in a sound and thorough repentance.

‘Did it ever occur to the authorities,’ asks the Essayist in the Van Diemen's Land Annual, ‘to compare the labour in the gaols at home with that in Van Diemen's Land? Can any occupation within the walls of a prison,—can the walking on a tread-wheel, even in solitary compartments, have that moral effect on the mind and habits of the culprit, which agricultural labour in a new country,—which converting the waste into fruitful soil amidst the wilds of nature, must produce? In Coldbath-fields, and many other prisons in England, the tread-wheel is turned simply as an instrument of pain or punishment,—not to grind corn, or for any other profitable purpose. The convict feels that he is toiling, but he is sensible also that he is toiling in vain,—while he looks upon society round him, upon the fields or elsewhere, and he sees the mass of guiltless poor toiling voluntarily for their bread still more severely. The infliction of the law teaches him this cruel lesson,—that labour, which Providence has assigned to the great majority of the unoffending creation, is all the punishment, even in a mitigated degree, which the law attaches to his crimes. Is labour, then, which is the natural lot of all men, a punishment? It undoubtedly is in the first instance to the idle and dissolute, but time and practice speedily reconcile even them to its performance. This is a mechanical part of reform, while to the honest and industrious it is an innate pleasure. But how far more reclaiming than the tread-wheel, is exercise of the very hardest kind among the works of nature! Can the eye of the most wicked, most viciously inclined, look upon the wide-spreading lawns, the rising hills and mountains, the instructive and eloquent forests, the flowing rivers, or the murmuring streamlets clothed with the most enchanting shrubs and flowers of this island, without self-reproach, without some sting of remorse? “Can I,” he will say, “be thus criminal; be thus so basely ungrateful,

while nature, with beneficent hands and outstretched arms, thus draws me to repentance?" We do not say that all feel this, but it is impossible that a large proportion, even of the most hardened of men, can be placed in such a situation from day to day, and not be sensible of something of the kind.—*Essay*, pp. 93, 94.

It is an indulgence in overcharged representations like these, that has impressed our Legislators with such erroneous notions of transportation as a punishment, and that has consequently led to the shedding of more human blood than the tears of all the Tories—from Sir Robert Peel down to the Editor of the *Morning Post*—will ever be able to wash away. What would any of our old-fashioned legislators,—those high and mighty men to whom the life of a poor malefactor—a poacher, for instance—was of infinitely less value than that of the brute he might have ensnared;—what would any of these have said? And what will they say, when they read this rhapsody? They will say, as they have said, that the object contemplated in sending out prisoners, is their punishment,—their extreme, unvarying, immitigable punishment;—and forthwith is issued a list of government orders,—of which will presently be recorded a specimen,—and the poor wretches of convicts, already in many instances treated more like brutes than human beings, are exposed to additional rigour and additional tyranny.

The view hitherto taken of the condition and treatment of assigned servants, has displayed only the bright side of the picture, and it is now necessary to contemplate some of its shadows.—Every prisoner is amenable to the severest legal coercion; being, in fact, a lawful slave to a lawful master. He is not allowed (speaking of the law, and not of the fact) the exercise of either his time or his talents for his own advantage, nor is he suffered to possess property, even if he had friends who would place it at his disposal. If he be assigned to a private individual, he must be *bonâ fide* in the service of that individual. He is not allowed to live away from his roof,—he must not be paid wages,—neither must he work for himself;—he can go no where without a pass, and although enjoying comparative liberty, he is under the closest control imaginable. The Colonial laws against harbouring prisoners are extremely peremptory and severe, visiting with heavy fines all transgressors; and the power which a master possesses over his servant is excessive.

To render this power still more oppressive, and the condition of the bondsman still more galling, there is a notion among many of the higher orders of the people in Van Diemen's Land, that the slightest consideration shown towards a convict is

derogatory to their dignity, and unbecoming their rank in society. This notion is fostered and unceasingly encouraged by the approbation which it meets with from some of the leading members of the local government; and it is by no means unusual for a candidate for a government situation to be warned by his experienced friends against any exhibition of kindness towards the prisoner-population. Much do these heartless individuals care about the reformation of their assigned servants, and just as much do they care about their comfort; but labour, the most constant and severe, will they require, and rigidly exact; and if this be not performed, the lash of the executioner will prove a ready stimulus to the dormant energies or slumbering inclination of the convict-labourer. In Van Diemen's Land the punishment of flogging is resorted to upon almost every occasion where the offence is not serious enough to require trial,—and the mere signature of a single magistrate is warrant sufficient for the infliction of a hundred lashes. This, to any person who knows what magistrates are in a Colony like Van Diemen's Land, will appear what it really is,—a shameful and most monstrous mode of using the salutary and necessary power of punishment. It is not enough that a man deserves castigation,—there should at the same time, be security that the method of inflicting this or any other punishment, is just, proper, and not open to abuse or perversion. The method in which this punishment is used in Van Diemen's Land, as regards the prisoner-population, is not characterized by any of these safe-guards; and there is no more difficulty in getting a man flogged,—and no more trouble, either,—than in chastising a refractory dog.

One argument, if argument it can be termed, is invariably adduced by the official advocates of this most convenient punishment. They say—and they say truly—that if the 'audacious dogs' were not flogged, but returned to the Government, the settlers would be deprived altogether of their servants. By this, then, is to be understood, that this summary or off-hand species of punishment, is merely exercised for the especial benefit of the settlers, without any regard to the welfare of the servant. Now, suppose the following case.—A settler named Tomkins, employs on his farm a dozen assigned or prisoner-servants. Among these dozen, there is one man, against whom the master, Tomkins, has an especial spite. His reason for this feeling is not very obvious, even to himself,—but he has it—and that is enough. Tomkins as aforesaid, is a magistrate, imbued with all the terrible authority of a J. P., and determined moreover to exercise,

to its full extent, this same terrible authority. It is not yet quite *etiquette* in Van Diemen's Land for a magistrate to flog his own servants, but he can easily send a note to his neighbour, Mr. Smith, who is also a magistrate, and whose sign-manual is quite sufficient to sanction the flogging of his friend Mr. Tomkins's servant. Now, Mr. Tomkins's servant is, in three words, a very good servant, but he has been 'saucy to the mistress,' or, perchance to the master,—and so heinous a crime as this merits at least fifty lashes. Mr. Smith's warrant for this comfortable amount arrives at the Police Station in due time, and the unfortunate servant duly receives the fifty lashes prescribed, and is forthwith returned to his humane master, of course to labour for him with renewed energy and spirit, and to be sent back to the Police Station for another flogging of fifty, or perhaps seventy-five lashes, as soon as his ulcerated back is healed, and well enough to bear them.

This is no imaginary picture. By carrying into effect these debasing acts of severity, the different magistrates evince their unslumbering zeal, and curry favour with the Government. Flogging, in any shape, is a disgraceful and inefficacious punishment; and even in Van Diemen's Land, where it is used so freely, and among so peculiar a class of offenders, it is, in no one instance, ever attended with a salutary result. On the contrary, there is good evidence to prove its inefficacy, as well as its brutalizing influence. In a private communication from a medical officer at one of the police stations, a portion of whose duty it is to superintend the flagellation of the prisoners, is the following explicit reply to sundry questions propounded.—In answer to your queries respecting the salutary operation of flogging, as a punishment, I must observe that, as far as my own experience goes—and I consider it rather extensive—I am decidedly of opinion; that it is by no means useful as restraining vice, nor adequate as a means of punishing offenders. Nothing is more common to me, than to witness a back, but just healed, sent to the station for a repetition of punishment,—and this will occur in the same individual for a long series of times. One of my regular customers in this way, is a fine young man, in one of the government gangs, who was originally sentenced for seven years, and who has now (April 1833) only about five months to serve; this man has been ordered about from one gang to another, and he has declared to me, that ever since he has been in the Colony, he has always, to use his own expression, had a sore back. Another of my regular visitants, who is the assigned servant of a worthy

magistrate, receives about every month his twenty-five, or fifty lashes, without working any reformation upon his present conduct, or future character. Not to trouble you with any further detail, I may say in a few words, that flogging—although here considered an indispensable punishment—is, in my humble opinion, a very foolish one, because it is perfectly inadequate and ineffectual.’

Thus much, then, for punishment by flagellation—the mode most commonly adopted in Van Diemen's Land towards the majority of minor offenders, because, as has been already intimated, it is convenient to the settler; inasmuch as it does not deprive him of his servant's services, excepting in those extreme cases—which, it must be observed, are of rare occurrence—where the infliction is excessively severe, and which usually happen to convicts in the employment of the Government, who can very well spare a man for a few days. The other minor punishments are labour on the tread-wheel, solitary confinement in a cell by night (doing their work by day), and consignment to some of the gangs in the immediate employment of the Government,—making roads, wharfs, bridges, &c. For more serious offences, the period of their original sentence is extended, according to the nature of their crime; the jury, in all cases where a jury is allowed, being composed of the officers of the regiment stationed at head quarters,—an arrangement extremely convenient and acceptable, no doubt, to the gallant individuals concerned, as it adds a few sumptuary guineas to the pay which they receive for their very arduous duty, but which, it is conceived, ought now to be superseded by a jury chosen from among the Colonists themselves. If the offence be very great, or the offender considered hardened and irreclaimable, he is sent to a penal settlement, where the discipline is of the most severe and rigid description. Until very recently, Macquarie Harbour was employed as a place of punishment for the most desperate characters; this establishment however, is now broken up, and removed to Tasman's Peninsula, now the only penal settlement in the Colony.

At Macquarie Harbour the most strict discipline was enforced, and the most irksome labour exacted.

‘Arrived at Macquarie Harbour, the wretched man's punishment is rendered as severe as almost any circumstances on earth may be supposed to admit. Shut up at night within a wretched hovel on a rock in the ocean, where the only symptom of comfort is that which security alone presents, as soon as the prisoners are called from rest in the morning, they are fed with a dish of porridge, composed of flour and water, with a little salt. They then embark in boats, and

row for several miles to the wood-cutting stations, where they continue to work until their return at night, when they are supplied with the only substantial meal they receive during the twenty-four hours. Their labour consists in cutting up the trees, growing near the coast, into heavy logs, which they slide, or carry on their shoulders to the water's edge, and form into rafts. During the greater part of this duty, the convict has to work up to his middle in water, and, even in the woods, from the moist and swampy nature of the country, his employment is of the most disagreeable and harassing kind.'—*Essay on Prison Discipline*, pp. 39-40.

It has been already intimated, that none but the most vicious and desperate characters were sent to Macquarie Harbour. Perhaps the reader would like to have a specimen of this class of convicts. Here is one strikingly impressive.

'James Williams, a lad brought up and employed in the neighbourhood of Hereford, as a farmer's labourer, till the age of nineteen, was, after running the usual preparatory gauntlet of lesser punishments at home, convicted of picking pockets, stealing five silk handkerchiefs, and sentenced to transportation for seven years. He landed at Hobart Town in December 1823, and had been but a very short time in the Colony, when he was arrested on a charge of grand larceny, of which he was found guilty on the 2nd of November following, 1824, and again sentenced to seven years transportation. As a matter of course, he was then placed, to endure a season of purgation, in the lowest gang employed in the public works. He evidently felt his situation of the most galling kind; for, besides the misery of wearing heavy chains and close confinement, especially at night, deprived of all means of indulgence, the daily labour exacted from him, operating upon the indolence he had acquired during a long series of gaol imprisonment both here and in England, proved, in the highest degree, irksome. The orders of his overseer, always submitted to with reluctance, were by degrees answered with indolence, and at last with direct disobedience. For this repeated offence he was taken before the magistrate, and severely reprimanded, agreeably to the general practice in the Colony, of, trying the mildest means first, and afterwards gradually increasing in severity according to the repetition and enormity of the offence. Only a few weeks intervened before he absented himself from the gang altogether, and when apprehended, as the next step, he received twenty-five lashes, and was sent back to his duty in the chain-gang. In less than a week he again stubbornly refused to work, and a similar punishment of twenty-five lashes was a second time inflicted. This refractory conduct continued until in a few more months he subjected himself to a punishment of fifty lashes, and to receive no other food for fourteen days than bread and water, having, in addition to his oft-repeated refusal to work, threatened to knock down his overseer with a hammer. Two months had not elapsed after this, before he absconded into the woods, and, on apprehension, received one hundred lashes, and was condemned to work in

irons. True to the text he had chosen for his fate, he was caught plundering a gang of convicts in nearly the same miserable plight as himself, while at work on the roads near the Jordan river, of the whole of their provisions. In such a case as this, what could the law super-add to the measure of the hardships if had already condemned him to endure? However, a hundred more lashes suggested themselves to the justices, and these he received. His next offence was stealing some tobacco from the pocket of a fellow-prisoner, for which he received fifty more lashes. His back must by this time have been tolerably scurred and callous. On the 27th of August 1829, while in the prisoners barracks, he was found with two clothes-lines and a quantity of sugar evidently stolen, for which he was imprisoned, and kept at as hard labour as could be exacted from him for six months, and deprived of any chance, whatever his future conduct might be, of ever being assigned to a settler, except in the remotest part of the interior. He successively received twenty-five lashes for outrageous conduct and fighting in the presence of the gang; he worked ten days on the tread-wheel for being drunk and disorderly; he received a third sentence of seven years (his former ones being unexpired) for stealing a hat. In November 1831, he was again tried for being illegally at large while under sentence of transportation; in seven months, being committed for a similar offence he was handed over to the Chief Police Magistrate by the Attorney-General for summary punishment; he contrived to secrete himself on board a vessel in the harbour, bound to New Zealand, in order to escape from the Colony, where he was discovered, and placed in what, to any common man, would have proved impenetrable confinement, but, in a few days after, he was detected in a second attempt in another vessel about to sail from the Colony, and is now under a sentence of condemnation for three years at Macquarie Harbour.—*Essay*, pp. 37-38-39

More instances equally descriptive of human depravity on the one hand, and the useless system of severe punishment on the other, may be taken, almost at random, from the 'Essay' already quoted.—

'Edward Hughes was originally a gentleman's servant in Shropshire. He had undergone a long series of punishments in England, from the hulks downwards, and was at last, at the age of forty-three, transported for seven years, for stealing a quantity of wearing apparel. He had not landed three weeks before he commenced his depredations, having a strong impulse to do so for the purpose of gratifying the drunken habits to which he was addicted. Though not sent, like the former, to Macquarie harbour, he subjected himself in no less than twenty-five instances, to every gradation of punishment that the discipline of the colony presented, and he contrived to finish the period of his original sentence, without a reconviction. He had enjoyed the sweets of liberty, however, only five months, when he was committed to gaol on a charge of theft, of which he was convicted and placed in a chain-gang. Here he again transgressed, was

flogged, and removed to the hulks, the severest description of punishment within the colony, next to the penal settlements.'—*Ibid.* pp. 40, 41.

'William M'Corville, a lame man, was a cotton-weaver in Lancaster, had also been in the hulks, and undergone a variety of punishments in England before he was transported under a sentence of seven years. Before the expiration of this period he was detected in a theft, for which his sentence was extended three more years. These he completed, but he had not been free a month when he was committed for trial on a charge of felony. During the time he has been in the colony, he has been tried forty-nine times, and received as many punishments of various kinds.'—*Ibid.* p. 41.

To point out the utter inefficacy—or it might have been said, the positive iniquity—of the ultra-severe system of punishment, the reader will now be presented with two or three examples of the most perfect villainy which has perhaps ever existed. They will exhibit the mode in which desperate criminals are dealt with in Van Diemen's Land, and therefore afford a practical illustration of one department at least of its prison discipline. These are extracted, as before, from Dr. Ross's Essay.—

'John Mayo, a native of Worcester, was a brick-maker near London, where he was convicted and transported to this colony in 1820, at the age of twenty-two. He had scarcely landed, when he subjected himself to what was then called the gaol-gang, the most severe punishment that the colony afforded. The settlement at Macquarie Harbour had not then been formed, and the worst characters, working in heavy chains all day, were locked up in a miserable hovel at night, with no bedding but the floor, and no covering but the clothes they wore during the day. He committed various thefts and other offences, enduring all kinds of punishments in the colony, until in March 1829, he was transported to Macquarie Harbour for three years, being convicted of making away with his black and yellow convict clothing. Here he soon after committed a barbarous murder, was brought up to Hobart Town, condemned, and executed.

'Edward Broughton had been sentenced to death at the early age of eighteen for robbery in England. While yet a boy, his conduct was so base, as to be the means of breaking his father's heart and hurrying him to the grave. He had repeatedly robbed his own mother, regardless, so long as he gratified his passions, whether he left her with the means of supporting life or not. The only time he entered a church was to rob the poor's box. Though so young when transported, the larger portion of his life had been spent under criminal sentences in gaols. He committed several larcenies during the passage, and the very day on which he landed he renewed them. He was at last apprehended for an outrage at Sandy Bay, tried, and sent to Macquarie Harbour. He there formed one of a party of five

men at one of the out-stations, who absconded from their overseer, in order to traverse the country to the settled districts, and live by plunder. The small quantity of provisions which they had managed to bring with them, being soon exhausted, these wretched men, instead of being bound together in one interest for their mutual safety and protection, commenced murdering and eating each other until only two were left, of whom Broughton was one. These two were so much afraid of each other, the one never venturing to sleep for several days and nights, lest the other should surprise him and put him to death, that the moment they discerned a hut on the outskirts of the settled country, they surrendered themselves. Broughton was of course executed, and he ascended the scaffold with more perfect heedlessness than the bullock goes to the slaughter.

One more picture, shall be that of the 'monster Jeffries.'

'This miscreant was originally a sailor, and had been sentenced to imprisonment and hard labour at Edinburgh, where, as a commutation of his punishment, he undertook the office of executioner. The first object upon whom he tried his skill in the operation of hanging, was the notorious Johnson, the highway robber, who fell from the scaffold, was brought to life by the mob, rescued by the police, and again executed.'

It is not necessary to enter into a minute detail of the unparalleled atrocities of this ruffian, Jeffries, in Van Diemen's Land; suffice it to say, that in addition to innumerable robberies, and a large catalogue of inhuman crimes, he perpetrated five deliberate murders, instigated apparently by no other motive than a most ferocious thirst for human blood; for one of the five murders to which he confessed, was wantonly committed on his own friend and companion; and another on a sucking infant, which he tore in savage fury from its mother's breast, and dashed out its brains against a tree.

One inquiry naturally arising from the above is, Would any, and what means, have prevented the perpetration of these horrid atrocities? Are there not within the full and comprehensive scope of the huge machinery of prison discipline as practised in Van Diemen's Land, some available measures, the adoption of which might have, at least; prevented these men from committing their dark and desperate crimes; if, indeed, they would not eventually have led to their comparative reformation.

Another important inquiry, arising from a knowledge of these lamentable instances of human depravity is this;—Is severe—ultra-severe—punishment beneficial or not?

'What do we find,' asks Dr. Ross, 'is, or has been, the effect of severe punishment throughout the world? Not, most certainly, the excitement of any great mental passion, any spirit of hatred, revenge, or retaliation upon society; for that would argue that the sensibilities

of the heart were sharpened by the direct operation of the heavy oppressive engine that is used with such force to blunt them. No ; there is no vindictive spirit excited in the mind of the convict who has endured a long series of severe punishments. The direct tendency, and the almost invariable effect, on the contrary, of the severe system is, to deaden the faculties both corporeal and mental,—to extinguish the perceptions of right and wrong,—to rob virtue of its charms, and vice of its hideousness,—to bring down the man almost to a level with the brute ; at once to strip him of the means to obtain, and the capacity to relish, the purer enjoyments of his nature,—to remove him from the associations of civilised life,—to reduce him to what is worse than the savage state ; for he retains all the habits of artificial existence, and the appetites of the natural one, without the principle left to regulate or restrain either.—*Essay*, pp. 25, 26.

'The more severely the wretched convict is punished, and the longer he is confined, the more necessary does it become to confine him still longer ; for every day makes him more and more unfit to be set at large ; the less likely is he rendered to reform and become an honest member of society. We bring ourselves into a distressing dilemma by arriving at this conclusion. Is it then the case, that while we have been endeavouring to punish offenders, and to check crime, we have been actually strengthening and extending the means of its propagation ? We fear the answer must be in the affirmative. In all parts of the world, wherever punishments have been most severe, there crimes have been most numerous and of the darkest stain. At Macquarie Harbour, where the discipline of the convict was of a very severe kind, instances have occurred in which men have actually committed murder with no other intention than to be brought up to Hobart Town for trial, and to be executed ! In the prison called the Bagne, at Toulon, where the restraints and deprivations are described as still more terrible, murders, or attempts at murder, with a similar object in view, occur almost weekly. Yet the miserable convict, on the very eve of his dreadful deed, will joke and laugh, and dance and sing, though loaded with chains, as if indifferent to his wretched, his hopeless, state. Does his spirit, then, rise above his fate, that he seems thus joyous in misery ? Alas ! No : he has no spirit to be sensible of joy as it exists in the natural breast. His ebullition is but the empty froth produced from the very dregs of debasement. Neither his joke, nor his laugh, nor his dance, nor his song, bears the smallest resemblance to that of innocent life. It is an empty sound, a mere animal expression, more void of feeling than the low of the ox, or the roar of the hungry lion.' *Essay*, pp. 27, 28.

And how is it to be expected that men thus debased, thus hardened into callosity, thus saturated with the extreme bitterness of life, will meet the last dreadful penalty which the law can inflict, or human nature endure ? The Essayist furnishes an answer.

‘ It appears but too clearly, that there is even a mortal punishment beyond that of death, and which is the more dreadful as it leaves the wretched sufferer, while perception lasts, the melancholy prospect of the dreary intellectual void into which he is about to be hurled. That this is no fanciful or ideal picture, the experience of every day evinces. It has fallen to our lot to be present at the execution of a large proportion of the malefactors who, for the last eight or ten years, have suffered the extremity of the law in Hobart Town, and the apparent apathy with which the unhappy men met their fate, was always to us the most humiliating part of the spectacle. Their lips would utter with apparent sincerity the invocations prompted by the clergyman; but the heart that should give them expression, was too plainly wanting; they were empty sounds—the soul in a certain sense was already gone; the main part of the executioner's duty was performed to his hand; the kernel was already consumed, the outer shell only remained. They went through the most sacred ceremonies of religion; they sang psalms; they ate a most abundant meal; they heard the summons of the sheriff—their arms were pinioned—the halter put about their neck—they heard the solemn and affecting words of the funeral service as the pastor walked before them to the scaffold—the cap was brought over their eyes, and they dropped into eternity with more indifference than the ox goes to the slaughter. Vice and its consequences had completed their subjugation!’

‘ Yet this shocking debasement is often mistaken for a calm and resigned temper; the epitaph of nine out of every ten miserable men condemned to death, is that “they died resigned to their fate;” and they might well be resigned to a fate of which they had so faint, so indistinct a perception.’—*Essay*, pp. 29, 30.

As to its effect, then, upon those who are deemed especially deserving of its infliction, the punishment of death, in by far the majority of cases, is perfectly inefficacious; and as to its example to surviving offenders, every one who has paid any earnest attention to the subject, must be convinced that it is perfectly nugatory. One of the great advantages of public executions in London, is the opportunity which they

* A curious illustration of the apathy with which an ignominious death can be met by some persons, is afforded by the case of a bush-ranger named Craven, who escaped with three others, from the penal settlement of Maria Island. In the act of being apprehended, he was shot through the thigh, and was consequently confined for some time in the hospital. In the meanwhile his three associates were executed; and although certain to meet the same fate, yet owing to the delay occasioned by his wound, Craven's case could not be brought on till some months had elapsed. When at last brought to trial, he could scarcely be recognised; for, from being a thin spare man, he had, notwithstanding his situation, become immensely stout. Like a stall-fed bullock, his animal frame had thriven grossly in his confinement, unaffected by anything of mental action which remained, and death to this man had neither sting nor terrors.

afford the companions and accomplices of the condemned criminals, to assemble together for the planning of new robberies and fresh deeds of lawless daring. The present Governor of Newgate has stated, that he has known many instances of very extensive burglaries having been conceived and planned under the very gallows which was supporting the lifeless bodies of the late associates of the perpetrators. Indeed, from all that can be learnt on the subject, it cannot be discovered that the punishment of death has any terror, or any salutary moral effect upon the surviving miscreant. The uncertainty of the law in the infliction of punishment, operates so powerfully as an incitement to crime, that excepting in extreme instances, condemnation to death is considered a perfect lottery, where chances are in favour of the offender; and even if condemned, the criminal then looks for, and expects escape. Besides, when actually executed, many circumstances occur to divest the ceremony of hanging of much of its awfulness and terror.

'The public exhibition of a young man dying resolutely,' observes the writer in the "*Hobart Town Magazine*," already quoted more than once, 'is rather a fearful display of courage, than an awful warning against crime. The precious contents of the *Newgate Calendar* afford ample and most abundant proofs of this; for the depraved adore what is "game," and to them a daring death is rather a sharp stimulant, than a dreadful shock to their vices. The halter sublimizes the ruffian and makes him a hero on the scaffold; the gallows, indeed, is but the tree on which desperate courage hideously blossoms. The convict's piety in the condemned cell is insincere, while a chance of reprieve remains, and the moment he escapes the rope, back he rushes to the herd with impatient velocity. As to example then, capital punishment is none: even the very hangman at Hobart Town was conveyed, on a recent occasion, drunk to the watch-house in less than two hours after he had slung the rope round the necks of five victims! "Oh! but," it may be said, "he is so used to the business." Granted. And therefore the very frequency of the exhibition tends most materially to nullify its salutary influence as a warning.'

Intimately connected with the consideration of capital punishment in Van Diemen's Land, is the enactment of a colonial law termed the '*Transportation Act*.' This was passed by the Council in 1827, and has for its object the infliction of death upon all offenders who may attempt to make their escape from the places where they may be confined. This merciless Act makes no distinction between the case of the harmless runaway, and of him that adds to his more mild offence the atrocities of plunder and outrage. It is quite enough, according to the provisions of this ferocious enactment, that the offender shall have

absented himself from his place of (colonial) punishment; this alone consigns him to an ignominious death, even if he have only plucked a single berry from the hedge, or accidentally alarmed the hen-roost of the quiet settler.

And has this Act, it will be asked, ever been enforced to the actual deprivation of human life? It has, indeed, too often; and what is more, still continues to be enforced. It is a standing 'Act of Council,' and liable, as must be most evident, to the most flagrant and iniquitous abuse.

Ample proof has already been afforded of the mischievous operation of the severe system; but should any scepticism remain on the subject, the following 'standing instructions' may effectually remove it. They are entitled 'Standing Instructions for the Regulation of the Penal Settlement on Tasman's Peninsula,' and are dated from the Colonial Secretary's Office, 25th of January 1833. The preamble is as follows:—

'His Excellency the Lieutenant-Governor has been pleased to direct that Tasman's Peninsula shall be established as a penal settlement, for the reception—

'1st.—Of convicts under Colonial sentence of transportation, or imprisonment and hard labour.

'2nd.—Of convicts on their arrival, whose crimes in Great Britain may be notified by his Majesty's Government to have been of a nature peculiarly atrocious.

'3rd.—Of convicts who might be convicted of violence or outrage during the voyage from England.

'4th.—Of that class of offenders denominated, in familiar language, gentlemen convicts.

'The situation and local advantages of this peninsula adapt it in an especial manner for the confinement and discipline of such convicts. It is a natural penitentiary, from which ordinary precaution will render escape impossible; and it includes within its boundaries a sufficient variety of soil and of products, to supply work of every degree of severity. It is cut off from any secret means of communication with the cultivated districts, and yet is so near head quarters that the local government may exercise the strictest surveillance over it.

'These criminals, when placed upon it, will be quite apart from the rest of the community; and the educated convicts, whom it is desired by his Majesty's Government especially to sequester, will have no victims upon whom their superior cunning will enable them to prey; and that intelligence, which they have so miserably abused and mis-directed, will not avail them.

'It is, distinctly to be kept in view by the Commandant and the several police officers employed on Tasman's Peninsula, that the design of this establishment is the severe punishment of the vicious part of the community, as the means of deterring others from the

commission of crime, as well as the reformation of the criminals themselves; and to this end the most unceasing labour is to be exacted from the convicts, and the most harassing vigilance over them is to be observed, together with such a minute system of classification as may be best calculated to develop their characters, habits, and dispositions.

'On the faithful and zealous discharge of the duties assigned to the officers in charge will greatly depend the result of this important penal institution; therefore, although no orders in writing can meet the exigency of every case, and much must rest upon that individual effort which previous instruction cannot reach, the following outline of duties is laid down for the information and guidance of all classes of persons upon the peninsula; and the strictest attention to them is enjoined.'

The tenor of the 'outline of duties;' will be presented to the reader in as brief a manner as possible, and divested of all technical and official amplification.

The Commandant's instructions come first. With the exception of the usual responsibility to the local Government, his power is 'absolute' with reference to all under his jurisdiction, which 'shall include the whole peninsula.' He is to look vigilantly after all the other officers, to see that they do their duty diligently, and to keep and transmit regular reports of every occurrence that may take place. Being a magistrate, he exercises the authority of one; but he is to be assisted by the police magistrate in all cases where two magistrates are required. He is 'to support the chaplain in the discharge of his duties; and, more particularly, he is to take care that the sabbath be not profaned, but be in every respect kept holy, and rendered available as a day of moral and religious instruction.' His public perquisites, independently of all salary, rations, &c., shall consist of 'two acres of ground for his own garden, and two prisoners out of the appropriate gang to cultivate it.'

The police magistrate is the working justice of the settlement. He shall 'personally inspect, and, when necessary, punish offences upon view.' He is, when the accusers are able to give their evidence coolly, and are not under the excitement of recent irritation, to make the trial and punishment follow the offence as closely as possible, so that crime and its consequences may be associated in the convict's mind, as cause and effect, and form parts, as it were, of the same idea. The punishment assigned must be generally such as will 'inflict the requisite amount of pain or misery within the shortest period of time;' and 'flagellation' shall be ordered 'in every case in which from blunted sensibility, it is impossible to punish effectually through the mind.' 'He shall take care, too, that when,

flagellation is ordered it is executed with due severity, in the presence of the surgeon, who shall attend for the usual purposes.' He is to keep accurate reports of all the transactions connected with his department; and 'to transmit, a quarterly specification of the character of each convict under his jurisdiction, of the effect of the labour and discipline of the settlement upon his mind and feelings,—how far they are appropriate, and in what respects deficient. He shall give his reasons succinctly, yet minutely, for the particular punishment he may have assigned in each case; he shall state the manner in which it appears to have affected the individual on whom it was inflicted, and his companions; and he shall recommend, in writing, to the Commandant any indulgence or other measures that may appear to him to be expedient.'

The duties of the surgeon, who ranks next as an officer, are of the customary character, being devoted to the charge of the health of the prisoners, and to reporting upon the same accordingly. The same may be said in brief of the chaplain, the superintendent, the commissariat officer, and the officers generally, each having the duties assigned to his own department, and all being under the strict and immediate surveillance of the Commandant. 'All these instructions being very elaborately set forth, there follow the duties and classification of the convicts, which will be presented without curtailment.—

'CONVICTS GENERALLY.'

'The convicts shall be employed in hard labour from sun-rise to sun-set, with one hour's intermission for breakfast, and the like time for dinner.

'They shall cut timber and draw it to the water's edge: they shall make roads, erect buildings, break up new land, and cultivate the old; but the infirm shall be employed in the settlement gardens.

'They shall all, with the exceptions hereafter mentioned, wear the coarse yellow dress, the imposition of which has been found to be a severe punishment.

'They shall perform every description of labour required at the settlement, and shall not be assisted by beasts of burthen of any sort.

'No convict females (except as servants of officers), and no wives of convicts, shall ever be admitted into the settlement.

'They shall receive bedding, clothing, and rations, as established by regulation.

'They shall not barter or sell any articles among themselves.'

FIRST CLASS.

'All convicts, except educated convicts, arriving at the settlement, shall be placed in this class, unless the order received with them shall direct otherwise.

'They shall be employed in hewing and cutting timber, and

drawing it to the water's edge, or in any other hard labour that may be specially required.

' They shall wear the yellow dress.

' They shall not be put to task-work, neither shall they be allowed to labour lazily, or to reserve their strength.

' They shall never, under any pretence, be allowed to use the hoe, the spade, or the rake, or any other agricultural implement; neither shall they ever be permitted to enter into the garden of the settlement, except under circumstances of the most pressing necessity, which shall form a subject of special report.

' Agriculture and horticulture are employments not to be committed to felons twice convicted, who have not as yet shewn any disposition to reform their conduct.'

CHAIN GANG.

' Shall consist principally of convicts who have been sentenced to the gang by the police magistrates, or have been specially sent to the settlement to be worked in chains.

' They are to wear chains and the yellow dress, with the word "felon" stamped upon it in several places: they are to sleep in separate cells: they are to go out to work one by one in Indian file, and no conversation is to be allowed among them: they are to be put to the heaviest and most degrading labour that can be found on the settlement.

' No sentence to this gang shall ever exceed three months in duration, without a special report being made to the Government.'

RELIEF GANG.

' Men who have conducted themselves properly after long probation, may, by direction of the Commandant, be removed to this gang.

' The dress of this class shall be grey or blue.

' They shall be regarded in the light of probationers acquiring habits fitting them to be useful in society.

' Their labour shall not be less continuous, but it shall be less severe, and less degrading than that of the first class.

' They may be employed in agriculture and horticulture; the use of the hoe and spade is not prohibited to them.

' Out of this class the Commandant may occasionally, with the approbation of the Lieutenant-Governor, appoint constables, messengers, &c., for the settlement.'

EDUCATED CONVICTS.

' They form a distinct class.

' They wear the grey dress.

' They are employed in gardening, fencing, and farming,

' They are kept under the strictest surveillance; and the labour done by each daily is carefully ascertained.

' They may be punished by removal to the first class, and to the chain gang, and by flagellation, or in any other way that may appear best suited to the particular circumstances of each case.

'They are deprived of every article, whether of comfort or convenience, they may have about them on their arrival, and are to be in every respect restricted to such provisions and clothing as are specially authorized.'

By far the most extraordinary portion of the provisions of this strange enactment is that which refers to 'educated convicts;' and it receives a vast addition of interest since the administration, with the ingenuity of other small despots, has taken to inflicting the punishment of felony on political adversaries. As Ferdinand had his Ceuta, and Don Miguel his Angola, so there is perhaps scarcely an educated man actively engaged on the popular or anti-ministerial side, who does not once or twice a week, sometimes with knowing it and sometimes without, expose himself to the grey dress and flagellation of Tasman's Peninsula if the government should chuse. Such is the condition of law under a *juste milieu* government. Besides, there is a degree of absurd supererogation in the refined amplification of penal discipline, as applied to this particular class of offenders. An educated man will feel the disgrace of convict-servitude—even in its mildest form—infinately more acutely than one who is not educated. He is under precisely the same prompt control,—subject in every respect to the same rigid surveillance,—and amenable to the infliction of the same summary chastisement in case of offence;—in one word, he is a prisoner,—and this, to any at all acquainted with Van Diemen's Land, would seem of itself punishment sufficient for crimes of no ordinary dye. When, however, to the useful, numerous, and appropriate hardships of a transported prisoner's servitude are added a domiciliation with the very worst characters in the Colony, and a subjection to discipline of no common severity, without any addition to their original transgression except the heinous sin of being educated, and when this is in the course of being applied to political opponents, and to individuals totally innocent of any intended offence or at all events perfectly clear of any moral stain,—there can be no denying that the 'educated convict' is unjustly dealt with, and that his case, merely upon its own showing, is one of very great and shameful severity.

Having thus enumerated the several modes of punishment adopted towards offenders in Van Diemen's Land, another portion remains to be noticed, equally important and salutary,—that, namely, which comprises 'Indulgences' to the prisoners. These are principally 'tickets of leave,' by which the holder is freed from compulsory labour; and 'emancipations,' which restore freedom so far as regards the Colony, but do not

permit the individual to leave it. But there are other intermediate steps, which may be considered to partake of the nature of 'indulgences,' such as situations in the police, post-office, &c., which are only conferred upon persons of good character, and which open the road, at the end of a given period, to certain and considerable advantages. The fixed rule with regard to 'indulgences,' is undeviating good conduct and length of servitude. Persons who are transported for seven years, must have resided four in the Colony before they are admissible to a 'ticket of leave;' for fourteen, six; for life, eight. 'Emancipations' may be hoped for by fourteen years' men at the end of two-thirds of their sentence; and by those who are for life, after having served twelve years; but one single act which shall have brought the individual before a magistrate, so as to have a record of misbehaviour against his name,—and every offence committed by a convict is invariably recorded in the 'black book,'—throws him back it is impossible to say how long, and may actually prevent altogether the attainment of the indulgence. And even when obtained, a very trivial fault may cause the holder to be deprived of it.

Every tree is known by its fruit, and every system by its 'working.' If, therefore, the opinion of the efficacy of the system of prison discipline pursued in Van Diemen's Land is to be determined solely by its result, this opinion must be highly favourable. On the 31st of October 1832, the total number of male convicts in Van Diemen's Land amounted to 11,042; of these 182 were at the penal settlement of Macquarie Harbour; 240 were at the similar penal settlement of Port Arthur; 46 were confined in gaols; and 543 were employed in chain gangs throughout the Colony, making a total of 1,011 actually undergoing the additional severity of punishment, which the regulations of the Government assign to offenders who have subjected themselves by renewed crimes to a second sentence of condemnation, after their arrival in the Colony. This small proportion is still more surprising, when it is considered that the whole of these eleven thousand criminals are selected from among the very worst offenders at home. 'Our eleven thousand,' observes Dr. Ross, 'in ten thousand of whom so great a change has taken place, are not only the worst characters that England could produce in a year, but they are actually the worst that could be taken from an accumulation of several years. It is computed that about 120,000 persons are annually confined in the several gaols and houses of correction in the United Kingdom: about 2,000 of these are sent to this Colony; and, as far as we can learn, about a half more, or 3000, to Sydney, inde-

pendent of the females, who may be estimated at about 1,000 more, making a total of about 6,000 convicts transported from England annually. The male convicts (11,000) in this Colony, therefore, form one-third of the gross number transported from England in the course of five years and a half, selected as the very worst from a mass of criminals amounting to no less a number than 220,000. It is to be recollected, also, that though the above is the total number of prisoners now in Van Diemen's Land, a considerable proportion of the remaining population of the island, now upwards of 30,000 in number, consists of men who had formerly been convicts, but are now free, and conducting themselves, if not altogether as virtuous and religious subjects, undoubtedly as honest and industrious members of the community.'—*Essay*, pp. 61, 62.

There is one point intimately connected with this subject, which is not illustrated in any of the works quoted; the important one of Female Prisoner Servants. Dr. Ross, it is true, has inserted some remarks on the difficulty of the general reformation of females; but not a word about the female prisoners who are assigned to settlers in Van Diemen's Land. A writer in the 'Hobart Town Magazine,' has however presented a brief but somewhat *piquant* passage on this subject, introducing it by a complaint that it has not been treated of in the 'Almanack' which he is reviewing.

'Every one will admit, that he has infinitely more trouble to manage his female than his male assigned servants. We frankly acknowledge that this is our case, as well as that of our friends and neighbours. And why is this? The answer is simple enough. Because you have no adequate means of punishing refractory females. You take a young lady of this description before a police magistrate, and tell him she has behaved very ill, been saucy to your wife, burnt, scalded, or otherwise injured your children; finally, that she has got gloriously drunk, and refused to work; in legal, or rather in Quarter Session phraseology, that she has been guilty of "insubordination." Well, what follows? The "Court" very properly adjudge her to be "guilty," and she makes no defence. How is this young lady to be adequately punished? All that can be done is to send her to the factory, put her in the "crime class" for six months (which she will tell you she can easily "howl off") and perhaps, in an extreme case, shave her head! And this is all, positively and actually all, that you can do to a very gorgon, a hyena, a she-tiger! And then there is this drawback upon even so slight, so silly a punishment as this. Instead of being rigidly confined in the "crime class" for six months, this furious termagant will very frequently be "assigned" in less than the same number of weeks, and sent out of the factory accordingly; the quiet and amiable superintendent feeling wonderfully rejoiced at

the opportunity of so good a riddance ! And who can blame him ? No one certainly ; for of all plagues on earth, or under the earth, an unruly woman is the worst, as any one who has lived in the Colony a single month will have abundant opportunities of discovering. — *Hobart Town Magazine*, No. I. p. 80.

In a Colony like that of Van Diemen's Land, where the disproportion of the sexes is great, the influence of females upon society, be they bond or free, is infinitely more powerful and extended than in countries where the sexes are more equally divided. This circumstance has not escaped the notice of the British Government ; indeed, there is reason to believe, that it has occupied no small portion of its serious consideration ; for at the commencement of the year 1832, his Majesty's Commissioners for emigration determined to send out a number of respectable females between the ages of sixteen and thirty, the majority of whom were to be collected from the populous agricultural counties. There was good and practical policy in this arrangement ; for in the first place, servants of this description were, of all others, the best suited to the colonial settler ; and in the second, it was well known, that there were many young women, who having been brought up in such a manner as to be well qualified for the duties of service in the family of a farmer, were unable in their own country to procure such situations, or to gain even an honest livelihood, and who would therefore gladly avail themselves of an opportunity of emigrating to a Colony, in which they could rely upon the certainty of immediate and profitable employment.

The plan originally adopted by the Commissioners for facilitating the accomplishment of this benevolent and patriotic purpose, consisted in appropriating a certain sum arising from the sale of Crown Lands in the interested Colonies, to defray a moiety of the expense (about 8*l.*) of conveying a certain number of female emigrants to the Colonies in question ; the remainder of the passage money to be paid by the emigrants themselves. But in the instance now more particularly alluded to, this plan was superseded by the total defrayment of the expense of the passage by the Government, who in April 1832, took up a ship, the '*Princess Royal*,' 402 tons, Joseph Grimwood commander, which they victualled with public stores, contracting, as in the case of convicts, for the conveyance of 200 passengers, at the rate of 3*l.* 13*s.* 4*d.* per ton freightage.

This arrangement, although probably well meant on the part of the Government, acting, it is to be presumed, upon the advice of the Commissioners, was nevertheless productive of great mischief and impropriety. By defraying the whole of the

expense of the passengers, they opened a door for the embarkation of a number of indigent and at the same time unprincipled persons.

Respectable females, who will resolutely put their shoulders to the wheel, and fill situations ready to receive them, are much wanted, and would meet with immediate and ample encouragement. Such Emigrants would speedily receive pressing invitations from the most respectable and highly esteemed settlers; so that eventually, their 'domiciliation' in Van Diemen's Land would not only amply fulfil their own sanguine expectations of success, but confer a real and most material benefit upon the Colony and its inhabitants.

ART. III.—1. *Statutes at large. 5th Geo. IV. c. 95. An Act to Repeal the Laws relative to the Combination of Workmen, and for other purposes. A.D. 1824. 6th Geo. IV. c. 129. An Act to Repeal the Laws relating to the Combination of Workmen, and to make other provisions in lieu thereof. A.D. 1825.*

2. *A Manual of the Law with regard to Public Meetings and Political Societies. By Thomas James Arnold, Esq. of Lincoln's Inn, Barrister-at-law.—London; A. Maxwell. 1833. pp. 82.*

WHAT the Whigs out of power vehemently reprobated, the Whigs in power suffer to exist. What faith, then, can be had in Whiggism? If there were not some ground for confidence, that the people of England are on the middle passage to an Administration consonant with the public spirit, a Tory Government might be better borne. Not that any relish is felt for their doctrines or practices, but that then the field is open, and the fight is with a declared enemy.

The Whigs are neither for us nor against us; and like all Protean personages of the sort, they look to their own advantage in turning the scale against the combatants on either side, just as it may suit to make the successful party a tool for their own purposes.

True, they boast of sundry reforms,—and these must be admitted. But except the grand reform of all, their Alpha, they have given none which fully recognizes and adopts any great principle. They seem disposed to travel regularly through their alphabet, and beginning with their Alpha, calculate on retaining office till they have reached, in their crooked course, and after a long day, their Omega. What have they done for political liberty? They have reduced taxes, and amended the condition of the slave, which they could not help. They have

opened the East-India trade, and kept the Bank Charter from growing worse, and they have done many more small things; but what have they done for political liberty? Have they repealed the Six Acts? Have they amended and improved the trial by Jury? Have they amended the Libel-law? Have they repealed the Corn-laws? Have they not passed the Coercion Bill? Have they not abolished flogging abroad and preserved it at home, exhibiting the pusillanimity wherewith they charged the planter? Have they not justified and struggled for the prerogative of enslaving the sailor by impressment?

The people of England want not now the pettinesses, the half-doings of these men; they demand first, the charter of their liberties, the grand principles on which good government must rest, to be conceded in some great measures. All the details will follow as the early fruit of such concessions.

This course of reflection has been suggested by the conduct of the Government in relation to the conviction of the labourers, at the last Dorsetshire assizes.

What Whigs are and may be, was there announced,—though not for the first time. The Irish Coercion Bill, and the prosecution of Mr. Barrett, as well as sundry other dallyings with Irish politicians, had shown their nature; but this was not made clear to the people of England,—it was not brought home to them.

This case is an instance of the tyrannies that may exist in a free country—the laying hold of an old, nearly obsolete, and no wise applicable Statute,—to bring parties to punishment for an offence they knew not to be within the prohibitions of the law.

The case of the Dorsetshire labourers cannot be better set forth than in the words of the *Morning Chronicle*, now and for some time past a professed moderate.—

‘The real crime’ says the editor ‘was, the participating in the aggressive tactics of the Trades’ Unions....It has been asked, what would be said were any of the peers or magistrates, who have taken Orange oaths, to be sentenced to transportation. The legal crime is the same as that of Loveless, but then the real crime is not the same. The only thing to be said is, that in England a man is never punished for that on which he is convicted. What influences the jury, is hardly ever that which is given in evidence. The judge is little guided by the verdict in his sentence, and in the subsequent trial by the Home Secretary, which is the final one, the first trial has little to do with the matter. Whether it be possible to order the matter otherwise we know not; but we conclude with repeating, that a man is never punished for that of which he is found guilty.’

This able statement contains the very kernel of the matter; but for present edification on the shape and nature of this tyranny, it is necessary to dwell somewhere on the state of the law on the subject,—the circumstances under which the law was made,—and the reasons for supposing it not to be applicable to the case in question. There are besides sundry moralities to be illustrated by means of the instance, which it would not be right to pass over.

For the present object it will be sufficient to use as the authority, the able manual of Mr. Arnold. Even this book, well as it is arranged, does not present the law in so clear a shape as it might be put in one Act of the Legislature. The necessity of recurring to Hawkins's Pleas of the Crown, or Judge Foster's work, or any other, is sufficiently ludicrous. The statutes and bits of statutes at the end, only add to the confusion, not of Mr. Arnold's method, but of the subject. This little book contains some eighty-two pages. The whole law, as appears from his excellent digest of it, might be contained in a third of that space. Small as the book is, it costs 2s. 6d. The Useful Knowledge Society should have circulated it for 6d., and thus afforded to the poor Dorsetshire labourers the bitter fruit of knowledge at a cheaper rate than banishment. But such a publication would be too little recommendatory of the Government, and of contentment and reconciliation with things as they are. It might however have had the effect of diverting the members of the Trades' Unions from a useless struggling for impossibilities, to a determined outcry against the continuance of such tyrannies as the Corn-laws, or laws like this, which are suffered to press against the poor man, leaving the rich and the powerful free.

The Acts, in fine, relating to this subject are the following, passed in the years which are cited with them. It is important to observe these epochs, for they tell at sight, in most of the cases, the motive and occasion of the law.

During all this period the legislation on government was motivated in fear. Every demonstration of public feeling was carefully repressed by the severest measures, which had usually for their proximate cause some rabble-outrage, unconnected with political feeling,—a mere momentary ebullition, which in quieter times would be but an ordinary police affair.

Anybody unacquainted with the character of English law, would have been puzzled, in perusing these statutes coupled with the Combination Law, to divine whether the Dorsetshire men were guilty or not of any infraction of the law.

In 1797, when the people of England were seized with panic

on account of the French Revolution, an Act was passed to prevent the seduction of persons in the army and navy from their allegiance, which in the preamble to the Bill (37 Geo. III. c. 123) was alleged to have been attempted by means of oaths unlawfully administered to them.

This Act determined that—

Any person proceeding 'to administer, or cause to be administered, or be aiding or assisting at, or present at, and consenting to, the administering or taking of any oath or engagement purporting or intended to bind the person taking the same to engage in any mutinous or seditious purpose; or to disturb the public peace; or to be of any association, society, or confederacy, formed for any such purpose; or to obey the orders or commands of any committee or body of men not lawfully constituted; or of any leader or commander, or other person not having authority by law for that purpose; or not to inform or give evidence against any associate, confederate, or other person; or not to reveal or discover any unlawful combination or confederacy; or not to reveal or discover any illegal act done or to be done; or not to reveal or discover any illegal oath or engagement which may have been administered or tendered to, or taken by such person or persons, or to or by any other person or persons, or the import of any such oath or engagement; shall, on conviction thereof by due course of law, be adjudged guilty of felony, and may be transported for any term of years not exceeding seven years; and every person who shall take any such oath or engagement, not being compelled thereto, shall, on conviction thereof by due course of law, be adjudged guilty of felony, and may be transported for any term of years not exceeding seven years.'

Is this the Act? Under what category of offence were the men charged? Surely not for mutiny or sedition. Are the bare words 'to disturb the peace,' coupled with the preamble, to be construed in our specialty scheme of legislation, as descriptive of a substantial offence? Is that the object of the Trades' Unions?

In the 39th year of the same reign (1799) another Act (39 Geo. III. c. 79.) was passed to put down the societies of United Englishmen, United Scotsmen, United Britons, United Irishmen, and the London Corresponding Society, on an allegation that a traitorous conspiracy had been long carried on against the Government; and that they used unlawful oaths, and engagements, and secret signs, and committees, and secretaries, and other officers, in a secret manner and that many of these societies were composed of different divisions, branches, or parts, which communicated with each other by secretaries, delegates, or

otherwise; and by means thereof maintained an influence over large bodies of men, and deluded many ignorant and unwary persons into the commission of acts highly criminal.

It then abolishes all these societies by name; and declares that every society the members whereof shall, according to the rules thereof, or to any provision or agreement for that purpose, be required or admitted to take any oath or engagement which shall be an unlawful oath or engagement, within the intent and meaning of the Act, &c. (37 Geo. III. c. 123), or to take any oath not required or authorized by law; and every society the members whereof, or any of them, shall take, or in any manner bind themselves by any such oath or engagement on becoming or in consequence of being members of such society; and every the members whereof, or any of them, shall take, subscribe, or assent to any test or declaration not required by law, or not authorised in manner hereinafter mentioned; and every society of which the names of the members, or of any of them, shall be kept secret from the society at large, or which shall have any committee or select body so chosen or appointed that the members constituting the same shall not be known by the society at large to be members of such committee or select body, or which shall have any president, treasurer, secretary, delegate, or other officer, so chosen or appointed that the election of such persons to such offices shall not be known to the society at large, or of which the names of all the members, and of all the committees or select bodies of members, and of all presidents, treasurers, secretaries, delegates, and other officers, shall not be entered in a book or books to be kept for that purpose, and to be open to the inspection of all the members of such society, and every society which shall be composed of different divisions or branches, or of different parts, acting in any manner separately or distinct from each other, or of which any part shall have any separate or distinct president, secretary, treasurer, delegate, or other officer, elected or appointed by or for such part, shall be deemed and taken to be unlawful combinations and confederacies.

It then goes on to enact, that every person who shall become a member, and every person who shall directly or indirectly maintain correspondence or intercourse with any such society, or with any division, branch, committee, or other select body, president, treasurer, secretary, delegate, or other officer or member thereof, as such; or who shall by contribution of money, or otherwise, aid, abet, or support such society, or any members or officers thereof as such, shall be deemed guilty of an unlawful combination and confederacy.

Then follows the 52nd. Geo. III. c. 104. (1812), An Act to render more effectual the first-mentioned statute ; by which it is made felony, and punishable with death without benefit of clergy, to administer any oath or engagement intending to bind the person taking it to commit any treason or murder, or any felony punishable by law with death ; and any person taking such oath or engagement, not being compelled thereto, is made liable to transportation for life, or for such term of years as the court shall adjudge.

Does this Act more clearly denounce the offence ? Was this aimed at Trades Unions ?

The 57th Geo. III. c. 19. is the next of the train of this species of legislation. It passed in 1817, and is an Act for the more effectually preventing seditious meetings and assemblies. Its preamble tells, that—

‘Assemblies of divers persons collected for the purpose or under the pretext of deliberating on public grievances, and of agreeing on petitions, complaints, remonstrances, declarations, and other addresses to his Royal Highness the Prince Regent, or to both Houses or either House of Parliament, have of late been made use of to serve the end of factious and seditious persons, to the great danger and disturbance of the public peace, and had produced acts of riot, tumult, and disorder, and might become the means of producing confusion and calamities in the nation.’

It then enacts that no meeting of any description of persons exceeding the number of fifty, other than a county or local meeting called by the Lord Lieutenant or Sheriff, &c. &c. should be held without notice given by seven householders ; and sundry other conditions of a Tory tendency.

This Act forbids the meeting of more than fifty persons within a mile of Westminster Hall, (except such parts of the parish of St. Paul’s, Covent Garden, as are within that distance), and it repeats sundry provisions as to unlawful oaths, adding a new condition, that the appointment of persons by a society, to induce or persuade any person or persons to become members of that society, shall render it an unlawful confederacy and combination.

Finally, there is 60th Geo. III. c. 6. ‘An Act for more effectually preventing seditious meetings and assemblies, to continue in force for five years.’ This was one of the Six Acts. It expired in 1824 : but it is more than doubtful, whether its provisions do not stand alive in the last-mentioned Act which has not been repealed, though superseded pending the existence of this Act. The common notion is, that it is repealed ; but he would be a rash man who should act as if it were, for

nothing but the event of a decision on his case could prove it, and who could prophesy of that?

This Act of 60th Geo. III. also proscribed all meetings of which notice had not been given by seven householders, and inserted in a public newspaper, with sundry vexatious provisions such as should characterise one of the Six Acts; unless the meeting was called by a Lord Lieutenant, Sheriff, Mayor, and sundry other functionaries. The provisions are in other respects similar to those of its predecessor.

Besides these Acts might be enumerated several others, as 1st Geo. I. st. 2. c. 5, or the Riot Act; in which twelve persons unlawfully, riotously, and tumultuously assembled, may be dispersed by a Justice on proclamation; and if they do not go about their business in an hour afterwards, they are felons without benefit of clergy, and must suffer death. This was passed in 1715, just after the accession of the first George, when fears of the Pretender occupied all minds loyally inclined. The 60th Geo. III. c. 1, or Castlereagh's Military Training Act; under which half-a-dozen persons at play with wooden swords may be seized and transported for seven years, or imprisoned for two.

The 13th Car. II. st. 1, c. 5, against tumultuous petitioning; which prohibits the soliciting of more than twenty signatures to a petition for alteration of matters established by law in church or state, unless the same has been consented to by three Justices, or the major part of a Grand Jury. Penalty 100*l.* and three months' imprisonment.

Then there is 2nd Ed. III. c. 3, commonly called the Statute of Northampton, which forbids anybody to go armed to market. And the 17th Ric. II. c. 8; and 13th Hen. IV. c. 7, which makes any assembly illegal; and there are dicta to show that an assembly means any two or three gathered together for any purpose.

And there may be many more statutes which no one knows of; and so there may be safety as to them till they are known. But no lawyer's opinion is worth a fig as to those that are known; their meaning must depend on the circumstances that may happen to arise.

But for the present object it may be urged, that the later statutes which are supposed to be the present operating law, (the 37th, 39th, 52nd, 57th, and 60th Geo. III.) relate to unlawful oaths and unlawful societies, and are sufficiently marked with the impress of their age;—matched together, arising out of the same causes, and placed on different foundations from those of the Trades' Unions. Until 1824, the last-mentioned

bodies were illegal, and might have come under some points of the descriptions of illegality contained in the abovementioned Acts relating to political societies; but in that year they were relieved of their illegality. More than this, among the Acts repealed with the old Combination Laws, were several relating to the oaths which such bodies had been accustomed to take for their purposes, and in their place there were no provisions to prevent the taking of such oaths. Yet the specific acts of offence of which such bodies were supposed to be capable, violence and intimidation, &c., were met with a specific provision, and the punishment declared was three months imprisonment; and by these Acts it was declared, that offences should be tried, not under the old common or statute law, but by the new law.

This is a short statement, and the upshot of the whole is that Trades' Unions are not, and never were intended to be comprehended in the terms of the Acts above-mentioned, forbidding unlawful societies and unlawful oaths; and if they were, that they were taken out of the operation of them by the statutes of 1824 and 1825; such Acts being directed against illegal societies, and these being then made legal; and that therefore the punishment of the Dorsetshire labourers should have been imprisonment for three months, instead of transportation for seven years.

Such is the complexity of the law, that anybody may be forgiven for not knowing what it is. Men are not to be punished because they act in violation of a rumour of a law which can be traced to no source; at least none but Whigs or Tories would punish them for it. There is not, however, proof that the men knew even of a rumour forbidding their doings. Sects do not always imply knowledge of wrong-doing,—but feebleness, from any cause, and the desire not to be thwarted before the strength to meet the enemy has been acquired. Else all Cabinet Meetings, and Secret Councils, in other quarters, were sinful; which may be so, though not so deemed by Whigs or Tories.

There is a healthful principle illustrated in this matter, which all governors would do well to regard;—not to employ instruments which they would not that others should employ against them. The forced oaths of allegiance and submission,—the superstitious and false honour fostered by themselves,—are made the means of their undoing. The sanction by themselves invigorated, is made strong for the work of their enemies.

Abolish oaths of all sorts, and the sanction will become feeble and inefficient for the support of others. But further, do right,

and fear not, and all the enlightened and the patriotic, without oath or engagement, will give prompt and energetic support. Mete out to all equal justice. Unbind the bonds of industry. Connive not at the robbery of the food of the industrious classes. Give them honest bread, honest law, and honest government. But can such moral daring be expected from the men who abolished slavery and established impressment; who freed the black back of the negro from the whip, and reserved it for the white backs of the soldier and the sailor? They have no right conception of their vocation and their power; no confidence in the strengthfulness of honesty and right dealing. It is not thus that the reformers of a free people should act.

What lessons of wisdom might not the Whigs have learnt, in the recollection of their own opposition to these tyrannical measures. But they know they have deserted their principles, and have not the strength which would come from the faith of the people even in their intentions; and therefore, with precipitation that was scarcely decent, did they hurry away these victims of an ignorant policy. But such is always the cowardly fear of the wrong-doer. They could not appeal to their acts, saying 'Have we ever swerved from a straight-forward, disinterested, and patriotic course? The Reform Bill which we began, is it not the means, full and complete, of a perfect representation of the people? Can the rejection of a call for justice in the distribution of political power, in the rights of industry, be imputed to us? Why are you then so ungrateful? Can you not wait a little for the accomplishment of what is still your due? Is there aught of reason to doubt that, disregarding the interests of individuals or classes, we shall push on with might and main for the greatest happiness of you all?'

Facts did not serve for such professions, and the appeal to reason must make way for the appeal to force. An example was wanted; and the benefit of the doubt could not be spared, lest an enemy should gain a momentary triumph. The acts of the Unions were wrong. It might be so—but that was not reason enough to strain the law contrary to its purport and spirit, to punish them in a case not comprehended in the law. If a Sheen is suffered to go free for a slip in his name when clear proof of murder was made, there seems better reason for pardoning men who were ignorant of Acts of Parliament, which were not known to very many better-informed persons who may pretend to some knowledge of such things.

But it is the practice of the English law to teach by example. A man is hanged, or banished from his home, or sent to the treadmill, that people may ask where he is gone, and wherefore.

But no thought is taken of the expense of all this to the poor culprit, and whether the people might not have been made to know that such and such a penalty would be inflicted if they did such and such a thing, and the culprit have also had the benefit of the teaching. This is nobody's business; and the olden method of hanging by the neck for the sake of warning others, is still held by, to the extent that modern feelings will endure.

And well might they be ignorant. The English laws are not promulgated except to the magistrates who put them in force; and are so overlaid with verbiage,—the meaning is so carefully concealed, and the principle, if there be one, is so narrow, so circumstantial, and technical,—that it requires a patient collation and comparison, of text and circumstance and common law and judicial decision, to descry the object in its precise application. Add to all this, that there are old, nay, ancient Statutes,—dicta of ancient writers,—all originating in and applicable to an ancient and by-gone state of things; so that a man needs not only the Statutes at Large, but the advice and assistance of sundry legal Mentors each learned in his own department of the manifold English law, to suggest all precautions against the doing wrong; and *then* it is a chance, if he escape out of one mesh, that he does not fall into another.

Is this liberty? Twenty of us may not sign a petition,—ten of us may not go down to the gallery of the House to look after it,—three of us may not assemble,—we know not what we may *not* do, through the kindly interference of past legislation; and yet all this, which was the work of the old Parliament—the curse and rottenness of the nation—now happily removed, if the people would but know it, and act as if they did,—is lovingly acted upon and cherished by the Whigs, who cried out against it in their day of weakness.

And now again, the Government have resisted the repeal of the taxes upon the means of making the laws known; on the higgling ground of probable loss to the revenue. They could not comprehend the force and virtue of moral power. But there was dishonesty plain and palpable in not meeting the question fairly. Their evident tactics were to suffer the Radicals to speak to exhaustion; and answer no more than the courtesies of the House demanded. If it was really felt that the matter was a pounds, shillings, and pence question; then why not submit it to the scrutiny to which figures may be put? The *calculations* of the mover were met by the *opinions* of the financial minister; and that not upon a secondary or merely incidental ground of resistance, but on the main and substantial.

one. This might have been a seeming, but was it an honest observance of the truth? But it is of the nature of the Whig and Whiggism, to admit the justice of the claim, and find reasons of detail for not granting it. Just men in words, in actions not to be trusted.

This indirect fostering of tyranny is more to be guarded against than the bold uncompromising adherence to it by Tories. They avowed their motive; the others act upon it and profess differently. Is it wonderful that the people are irritated, when the men who for forty years clamoured against these things suffer them to continue? It is too bad to last, and may get worse instead of better, if all popular constituencies do not, whenever the opportunity comes, get rid of the worst parts of the present House of Commons, and choose men better, if possible, than the best.

It is of no use to war against the truths that are demonstrated. It is proved by all recent experience, that bold and reliable statesmen do not exist. Such as there are, can be depended on only as they are driven; and that which the people can control, is the House of Commons. What that is, the ministry must be; neither better nor worse. Perhaps the people have not Archimedes's point whereon to rest their full power to wield matters as they will; but let them use wisely what they have, and the end is in their keeping.

ART. IV.—*Quarterly Review, No. CI; Article on 'Dr. Adam Clarke.'*

THE friends of 'Church and State' are in great alarm, and have great and good cause for being so. The patrons of church livings and the proprietors of advowsons, if they have not the fear of God, have the fear of the people before their eyes. The lords spiritual are buckling on their armour for a crusade in defence of their seats, and particularly their incomes; and the heavy artillery of the ecclesiastical press is daily, and weekly, and monthly, and quarterly, discharging salvos in defence of Mother Church, chiefly remarkable for voice and for smoke. The greatest gun of the ecclesiastical battery is, of course, the 'Quarterly Review.' In the last number there is an article, of twenty-eight pages, purporting to be a review of the life of the celebrated Wesleyan, Doctor Adam Clarke. Till the last ten pages however, the worthy Methodist is dropped, and in his room are presented the lucubrations of a

Jesuit, viz. the ghostly author of the article himself, on connexion between Church and State.

'It is clear,' says the writer of the article, 'that Adam Clarke considered the system of Methodism, with Wesley its founder, as a system supplementary to the church establishment and no more.' He admits however, that others are of a different opinion, and that on the success of Wesley's experiment, and others of a similar description, these other persons have founded 'an argument against any church establishment at all; which, accordingly, they declare to be unlawful, inexpedient, and unnecessary.' After this the writer proceeds with self-complacency, and with as much confidence as if he were demonstrating a problem in Euclid, to show the necessity of a connexion between Church and State, or in plain words, the necessity of the whole people's contributing about nine millions sterling per annum for maintaining the ecclesiastical establishment of one-third part of the entire part of the population,—of placing this sum at the disposal of the executive and aristocracy,—of giving Bishops 50,000*l.* a-year for doing nothing but mischief, and curates 50*l.* a-year for being over-worked. To do the author justice however, it ought to be stated, that his arguments in favour of Church and State apply to any religion as well as to that of the Church of England,—to the Presbyterian religion in Scotland,—to the Catholic in Canada,—to that of Mohammed in Turkey—of Jaggernaut in India, and of Foh in Tibet or Tonquin.

'Now,' says the polemical reviewer, 'we would remind the objectors to an Established Church, that the principle was fully recognized under the Old Testament, and has never been cancelled under the New, and therefore cannot be supposed to have anything in it essentially wrong.' There were many things fully recognized under the Old Testament and not cancelled under the New, 'which it would be 'essentially wrong' to continue now-a-days,—which it would be indecent for a civilized people to practise merely because a rude and semi-barbarous people practised them three thousand years ago. The priests acted as butchers under the Jewish dispensation; but that would be no precedent for bishops doing the same thing under the English hierarchy in our times. That English prelates, ever since their restoration to their seats in Parliament in the immaculate reign of Charles II, have given their whole weight and influence to passing the most sanguinary laws in the English Criminal Code, would be no extenuation of their taking up the trade of executioners in its vulgar form. Samuel, a priest and a prophet, hewed Agag, a captive king, to

pieces, when Saul wished to spare him. This is not reprobated in the New Testament, and yet it would be no apology for the Archbishop of Canterbury taking upon himself the like office. David danced before the Ark, and there is no prohibition in the New Testament to do the like in a Christian church, yet it would be a most indecent spectacle to see William IV thus exhibit in Westminster Abbey. The Jewish priesthood or Levites constituted a tenth part of the Jewish population, and as their services were exclusively devoted to religious objects, and they were forbidden all temporal employments, there was obvious justice in giving them a tenth part of the produce of the soil of an agricultural people. There is no express prohibition in the New Testament against giving a tenth part of the produce of the soil to the Christian priesthood; but as the priesthood of the United Kingdom, instead of constituting one-tenth part of the population, does not amount to one sixteen-hundredth part of it, there is the greatest injustice in giving, and the most outrageous impudence in claiming a similar share,—and not only claiming this indeed, but also great palaces and fine houses, and large estates and splendid churches into the bargain.

‘If,’ says the reviewer, ‘it be replied, as no doubt it will be, that our Lord’s language is, “My kingdom is not of this world,” we make answer,—true, but these words of Jesus to Pilate, who charged him with conspiring against Cæsar, are hardly to be understood as meaning that kings are not to build churches, or provide pastors for the people committed to them.’ The reply to this is plain. There is no earthly objection to kings building churches or providing pastors, provided it be done with their own money, and not at the expense of the people. ‘And,’ adds the reviewer, ‘if it be further contended that kings are not in fact represented under the New Testament as nursing fathers of the Church, we again say—true, for a Tiberius and a Nero happened to be kings in those days, but that it is strange to argue from them to a George or a William in our own.’ The critic accounts in this passage for no more than forty years from the first appearance of Christ amongst the Jews to the death of Nero, and he leaves, therefore, a period of near two centuries and a half unaccounted for. In this period of above two centuries, there reigned also Roman princes, such as Vespasian, Titus, Trajan, the two Antonines, and Marcus Aurelius, whose talents and virtues might be compared not only to those of the Georges, but also the Henries and even the Arthurs, and yet they neither built churches nor instituted tithes.

‘But the king,’ says the reviewer, ‘*may* be the friend of

religion, we are told—only he must “patronise it” (that is the phrase) in the same way as he patronises any other good cause, and not establish it. Now, when he patronises other good causes, he often does so, argues a very clever “Essayist on the Church,” whose recent publication we have in our eye, by granting the parties charters of incorporation, bestowing on them crown lands, and recommending grants of money,—why may he not do the same for the best cause of all?—The king cannot grant charters of incorporation at variance with the law of the land, and he cannot alienate the crown lands, and as to his recommending grants of money, this would never fill the flesh-pots of the English priesthood, supposing always that the House of Commons were the representatives of the great majority of the people. ‘The best cause of all’ here alluded to is not the cause of religion, but the cause of the Church of England, which is the cause of the minority of the people, and even worse than this, the cause only of the priesthood of that minority, and of those in a mercenary sense connected with them.

‘But it is unjust that the Dissenter should pay to the support of a form of worship which he does not adopt? Strictly speaking, no man pays to its support;—it is upheld by possessions of its own; its own by a title as indisputable, at least, as that by which any property whatever is held within the four seas.’—If this be true, the Reformation in so far as the property enjoyed at present by the English Church is concerned, was sheer robbery by one religious sect upon another religious sect. The Catholic Church enjoyed this property by the strong and long prescription of a thousand years, and the Protestant Church has hardly held it for above one-fourth part of that period. On the same principle the Church of England might as fairly seize and appropriate the chapels and lands of the Dissenters, who, in their eyes, are as great heretics as the Catholics themselves. Henry VIII seized upon the church lands as the chief magistrate of the people, since he could not seize them as his own private property. By Acts of Parliament they have been appropriated to their present uses. The reviewer indeed admits, that ‘the Church of England is the creature of an Act of Parliament.’ What an Act of Parliament gave, therefore, an Act of Parliament may take away. In reality the legislature has been, ever since the Reformation, dealing pretty freely in the appropriation of Church property.

‘Even the semblance of hardship, however, can hardly attach to the Dissenter, for tithes are a rent-charge upon lands, and of the landowners is one in a hundred a Dissenter?’—The hard-

ship would not be the less if the number were small; though the number, including the Catholics, is very great. 'The hardship on the Protestant and Catholic Dissenters is, that the contributions of the community, of which they are part, are accumulated on an establishment, which as far as they are concerned, has no visible effect but trampling them in the mud.

'But church-rates—is there not a hardship here, that men should be made to contribute to the maintenance of a fabric which they never enter? No greater hardship than a thousand others, which a state of society (as opposed to a state of nature) involves. Individuals are constantly compelled to support institutions in which they have no direct interest themselves, but which the public good is understood to require. We pay our quota to a county rate for the erection of a mad-house which we shall never occupy, or of a bridge which we shall never pass; we are taxed for the maintenance of the soldier, though we may have serious scruples as to the lawfulness of the profession of arms, or political objections to a standing army.'—In a state of nature, that is, among savages, it is true that there is no costly church maintained for the benefit of the minority of the horde or tribe, at the expense of the majority. The Chinese however, who are not in a state of nature, nor have been for a space of 4000 years, have an Emperor who keeps, more or less, 500 concubines. This is probably one of the thousand hardships which a state of society, as opposed to a state of nature, involves; but if the Chinese people had good government, they would probably compel their emperor to dispense with this luxury. The king of Siam,—and the Siamese are not in a state of nature,—maintains a thousand priests to mutter prayers for him, in a language which he does not understand. If the Siamese people had a representative government, one priest instead of 1000, would perhaps be deemed sufficient. The Hindoos are not in a state of nature, yet Jaggernaut, not a king, but an idol, composed of an ill fashioned block of timber, maintains a thousand cooks at the expense of the people; there is no absolute necessity that this should continue, even though the British sovereigns of India may pocket some 10,000*l.* a-year by the imposture. The mad-house, and the bridge, and the army, are public conveniencies or necessities for the benefit of the whole people; whereas a church which a man never enters, and in which are preached doctrines irreconcilable to his conscience, is of no more use or value to him than a Heathen temple or a Mohammedan mosque, and the hardship of contributing to such worthless establishments needs not to be insisted upon, . . .

'But,' says the critic, it is objected that 'the Church Establishment no longer represents the religious sentiments of the vast majority of the nation, as it once did, and therefore is no longer to be supported by the national government.' He then proceeds to assert his belief that the numerical majority is still great, but he makes out no case, and indeed his own misgivings upon this point, appear in a subsequent part of his Essay to be very considerable. The nation, of course, cannot mean that portion of it called England and Wales, but must embrace the three kingdoms. Now, of these, the population is in round numbers 24,000,000. If half the population of England and Wales be allowed to belong still to the Established Church, and half a million of that of Ireland, after excluding all Protestant Dissenters and Catholics,—and two-thirds of the population of Scotland be assumed as belonging to the established form of worship in that country,—there will be, as belonging to the two established religions of the nation, 9,000,000, and the Dissenters will amount to 15,000,000. Thus, therefore, the sect imagined by the reviewer to constitute a majority, will constitute less than thirty-eight in a hundred of the whole population.

'The true comparison, however,' observes the reviewer, 'to institute is this:—what proportion do the members of the Church of England bear to those of any single body of Dissenters? Is there any single body that will admit of being named as its rival—we mean its rival in numbers? For to speak of the Dissenters as a community, in the same sense as we speak of the Church, is an abuse of language; the various sects into which they are split differing from one another at least as much as from the Establishment itself: in fact, holding nothing in common save jealousy of that, and a determination to combine for its overthrow.'—What sense or utility can there be in comparing the numbers of the Established Church, with those of any particular class of Dissenters? Is not every man a Dissenter, who will not subscribe the 39 articles, and profess his belief in the Athanasian Creed? Are not all Quakers, Baptists, Methodists, Presbyterians, Socinians, Wesleyans, and for that matter Jews, Mohammedans, and Hindoos, and all perhaps except Infidels and Atheists, considered by the Church with the same impartial injustice, and considered in no other light than as excommunicated beings good for nothing but paying tithes? It may be observed, that although the Essayist, in common with other Churchmen, is anxious to claim the seat of the Wesleyans, the most numerous in England, as only supplementary to the Church, they are not in the passage just quoted, excepted from the rest of the Dissenters as combining to overthrow the Church.

' Besides, if the Church of England does not represent the vast majority of the people which it once did, is it therefore to be abandoned without inquiry into the cause?—It is reasonable to conclude, that when the Church of England no longer represents the vast majority of the people which it once did, the same funds which were appropriated for its maintenance should no longer be appropriated in its decline. As to its being abandoned without inquiry, there has been ample inquiry; and the Church has been found irreclaimable and incurable. It had no sooner been established than its ranks began to be thinned by dissent; and as the people have advanced in arts, knowledge, and civilization, the rate of progress of that dissent has been yearly increasing. An established church, however slenderly endowed,—and the case is still more flagrant when it is richly endowed, as is the united Church of England and Ireland,—is in its nature pampered, therefore indolent, and consequently defective in zeal and assiduity. The more wealthy the Church, the greater would be the number of Dissenters. The greatest number of Dissenters is in Ireland. The number in England is smaller; and even in Scotland, notwithstanding the comparative poverty of its national Church, the number of Dissenters is considerable and increasing daily. It was the Legislature itself which gave the first grand impulse to dissent in Scotland, when it made the pastors independent of the people, by bestowing the right of nomination upon the Crown, the rotten Corporations, and the lazy landed Aristocracy of that country. In a free country, where civilization is advancing, no human effort can prevent dissent, and a church connected with the state only tends to provoke it. A good sweeping despotism like that of Spain or Turkey, in which innovation in matters of religion is never disconnected from reform in the civil government, and where an exemplary quantity of blood may as necessity requires it be shed either at an *auto da fé* or on the scaffold, can alone maintain orthodoxy.

The Reviewer proceeds to state the causes, which, according to his view, have given rise to dissent. They have been produced, he intimates, 'not by *scruples* but by *circumstances*.' The circumstances were, it seems, 'a mere want of accommodation within the Church walls, and personal knowledge of a Church minister.' He quotes the example of Lancashire, in which, when the Church Establishment was formed, there existed but sixty-two parishes, and where the alterations down to the present time are but inconsiderable. The population of Lancashire is, in round numbers, 1,500,000; whence for every church of the Establishment, there are above 20,000 inhabitants,

so that allowing a church for every 2,000 inhabitants, there are 688 churches too few. 'There,' says the critic, 'the people were sheep without fold or shepherd;' and very truly. One would suppose this a very clear case made out against the Church. You do not allow the Dissenters house-room. They build houses for themselves at their own expense, contributing at the same time to maintain *your* houses and *your* establishments; and then you eulogize the Church that has given rise to this dissent by a desertion of its own duties. 'It was not,' says the candid author, 'conscientious objections to our ecclesiastical constitution,' but their want of church-room that produced this dissent. The writer then flounders about in seeking means for adding to the number of churches. Not content with a million sterling, taken from the public some years ago for building new churches, together with the local taxes which followed it, he calls out for more legislative enactment upon the same subject. The Church revenue of the United Kingdom, is, as already stated, about nine millions. Now if every Dissenter of the United Kingdom were to return to the bosom of the Church, and every Catholic and Jew within the kingdom were to subscribe the 39 articles and swallow the Athanasian Creed, the Church would demand that its revenues should be raised to something like *twenty-four* millions. Such are the blessings of orthodoxy.

'Moreover,' says the writer, 'when it is proposed that there shall be no Established Church at all—that the State shall make no provision, for the religious wants of the people—it is assumed, that the people will assuredly provide for their own wants: their zeal being sufficiently manifested, it is pretended, by the *voluntary* churches they already uphold.' He then tries this by what he calls 'the test of experience.' He gives the population of the Tower-Hamlets, Finsbury, and other divisions of the metropolis, at 905,715 souls, stating that the number of churches for this population was but 45; leaving therefore, at the rate of 2,000 for each church, 800,000 souls without churches. One would think this a very clear demonstration against the efficiency of the Church. Nothing of the kind however; the honest polemic throws the whole blame upon the Dissenters, although to make up the defect in the provision made by the Church, they have built 186 chapels besides. These Dissenters then, who not only contribute their equal share for the maintenance of the Established churches, but build and endow at their own peculiar charge above four times as many places of worship as those of the Establishment, are blamed for not building more, and leaving according to the

Reviewer about '700,000 outcasts, to furnish recruits to the Rotunda.' The writer must surely suppose that these 700,000 persons, not less than those who are accommodated in the Dissenting Chapels, are Dissenters, man, woman, and child, and therefore unworthy the care of the Orthodox Church and its Pastors. Were this a true picture, it is perfectly clear that out of the population of 905,715 alluded to, there would remain but the small fraction of 90,000 Churchmen, or that the Dissenters would be in the proportion of nearly ten to one of the followers of the Church. What charity and what encouragement to return to the tender bosom of that orthodox Church!

'America,' says the Reviewer, 'is pointed to with triumph—where religion has been left to itself.' 'It is not true,' he adds, 'that religion has been hitherto left to itself in America.' He observes, that those who went originally to America, were men who expatriated themselves on religious grounds, and thence it is possible that the original impulse might continue to the present day, albeit two centuries have elapsed. The original settlers were Presbyterians and Catholics driven from England chiefly by the persecution of the Established Church and its patrons; this, therefore, seems an odd illustration of the benefits to be derived from the connexion between Church and State in England. He insists that the maintenance of religion in America was, at one time, compulsory; but admits, what he could not easily deny, that it is so no longer. Notwithstanding that compulsion no longer exists in any part of the Union, he proceeds to draw his example of the advantages of the compulsory over the voluntary system, by comparing the state of religion in two portions of the country; the one, the New-England States, where it was compulsory; and the other, the Southern States, where it was not. In the first, the proportion of clergy to the inhabitants was one to every 1328 inhabitants. Conceiving this statement to be quite conclusive, he taunts the opponents of a connexion between Church and State, and who prate of America, as men who 'know not what they say, nor whereof they affirm.' The difference in the proportion of the clergy to the inhabitants in the two portions of America, he would have us to understand, is entirely to be ascribed to a compulsory provision, or in other words to a connexion between Church and State which no longer exists, and which, in the sense in which it is understood here, never did exist, for it was always optional with every individual to connect himself with whatever sect he thought proper. The real cause of the disparity, if the writer knew it, he carefully conceals. In the Eastern States, the great mass of the people consists now, as it always did, of pious

Presbyterians and other Protestants. It contains no native inhabitants, no slaves, and few men of colour. The Southern States abound in Catholics, always less rigid in religious discipline than Protestants; they contain above two millions of slaves, who receive no religious instruction, and are not even permitted to read or write; they contain about 340,000 people of colour, who are under the same interdict; they contain the bulk of the native tribes, many of whom are not yet converted to Christianity; and it must be added, that the whole population itself is demoralized by the contagion of negro slavery. Of the latter, it should not be forgotten, that the Episcopal religion of England is the prevailing and favoured form of worship. It may be admitted that it would not be convenient for the *Quarterly Review* to have stated all this, more particularly since its patrons, the Bishops, have generally been advocates for negro slavery in our own colonies, and went the length upon an occasion not very remote of quoting the Bible itself in favour of its legality.

The difficulty of providing religious instruction for our remote agricultural districts is, of course, much insisted upon; and for apt illustration, the Reviewer wanders into the forests of the Western districts of America. His first authority on this subject, is the author of '*The Domestic Manners of the Americans*' (poor Mrs. Trollope's name, is discreetly withheld.) The example is an American washerwoman. 'I was much struck,' says the very observant author of the manners of the Americans, 'with the answer of a poor woman whom I saw ironing on a Sunday. "Do you make no difference in your occupations on a Sunday?" I said. "I be'ant a Christian, ma'am; we have got no opportunity,"—was the reply.' This very striking case suggests the utility and necessity of a Church Establishment, and of a connexion between Church and State. The real answer would be by asking, whether it is the Church Established, or the Dissenters that are habitually foremost in penetrating into the wild, or underground, or sterile portions of the universe.

It occurs, even to the Reviewer, that the evidence of his authority may be suspected of 'passion or prejudice;' so he adds the testimony of the Rev. Samuel Mills, an American Missionary. This individual describes the whole country from Lake Erie to the Gulf of Mexico, containing, according to him, about a million of inhabitants, as 'the valley of the shadow of death,' and as having little more than 'one hundred Protestant or congregational Ministers' throughout. The case is not so bad after all, and will bear a very favourable comparison with the provision made by the English Church in some of the most

populous parts of the kingdom. Thus Lancashire and the districts of the metropolis already referred to, contain a population of 2,200,000 and upwards, with but 107 churches; so that the voluntary religious provision in the back-woods of America is larger than that furnished by the Church of England in the proportion of two to one. This proportion would be greatly enhanced, if it is considered that the American ministers are confined to Protestants, and that the population of a million referred to, contains a good many native tribes not Christians, a great many slaves not permitted to receive religious instruction, and the bulk of the French population within the Union, who are of course Catholics and have their own churches. But, this explanation apart, the deficiency which gave rise to the lamentations of the Rev. Samuel Mills, five years ago, no longer exists. In America there is no real demand that freedom will not supply; and the religious societies and colleges of New England and the other old States, have within the last few years supplied the back settlements with no less than four hundred missionaries.

‘Such is the fate,’ says the Reviewer, in a tone of deep commiseration, ‘of an agricultural district where religion is to be maintained by a system of voluntary churches.’ ‘How,’ he adds, ‘would voluntary churches be furnished to our agricultural communities, consisting, as they often do, of one or two gentlemen, eight or ten farmers, and a few scores of cottagers?’ The district here made out would probably amount, in all, to ten or fifteen families; and even supposing the connexion between Church and State a proper one, it would be asking rather too much that the country at large should find a pastor at 400*l.* or 500*l.* a-year, in order to afford spiritual instruction to so inconsiderable a number. No country could afford such an expenditure; but how is the matter done at present? The incumbent, probably a pluralist, never sees the district, although in the receipt of 1,000*l.* or 2,000*l.* a-year. A Curate upon 100*l.* preaches in the morning in one parish, and gallops off ten miles to preach in the evening in another; the parishioners having to travel occasionally four, five, or eight miles to church. These things are managed differently under the voluntary system in America; and that too, under circumstances of infinitely greater difficulty than it is possible can ever exist in the most obscure and remote corners of this country. Mr. Flint, a clergyman of New England, the very individual spoken of in terms of merited approbation by Mrs. Trollope, gives the following description of the manner in which they are conducted in the remote regions of America with their

scattered population of two or three inhabitants to a square mile.—

‘Nine-tenths of the religious instruction of the country,’ he says, ‘is given by people who itinerate, and who are, with very few exceptions, notwithstanding all that has been said to the contrary, men of great zeal and sanctity. These earnest men, who have little to expect from pecuniary support, and less from the prescribed reverence and influence which can only appertain to a stated ministry, find at once that every thing depends upon the cultivation of popular talents, Zeal for the great cause, mixed, perhaps imperceptibly, with a spice of earthly ambition, and the latent emulation and pride of our nature, and other motives, which unconsciously influence, more or less, the most sincere and the most disinterested,—the desire of distinction among their contemporaries and their brethren,—and a reacting struggle for the fascination of popularity, goad them on to study all the means and arts of winning the people. Travelling from month to month through dark forests, with such ample time and range for deep thought, as they amble slowly on horseback along their peregrinations, the men naturally acquire a pensive and romantic turn of thought and expression, such as we think favourable to eloquence. Hence, the preaching is of a highly popular cast; and its first aim is to excite the feelings. Hence, too, excitements, or in religious parlance, ‘awakenings,’ are common in all this region.’

The Reviewer is of opinion that the ‘system of *voluntary* churches would be absolutely fatal to all efficient pastoral intercourse of the minister with his people.’ He afterwards adds, ‘There will then be no minister who has a district assigned to his peculiar care and keeping, where he individually feels himself answerable for the souls that are therein. He will share it with other parties of other persuasions. The latch of the door will no longer be lifted with the same boldness as now. The whole parish will be debateable ground, and no man will know in it his own. The several ministers will find it no pleasant thing to encounter one another in the sick man’s chamber, under a temptation, perhaps, to wrangle out points of divinity over the couch of death; or, at all events, each uncertain whether he is not trespassing on the province of the others; and so the patient will probably be abandoned altogether.’ The sum total of this objection is, that the monopoly is in danger, and that even at the present moment the Dissenters are making serious inroads upon it. Nothing can be more unlike this picture of alleged ecclesiastical discord, than the actual condition of things in the United States of America, the only country in the world in which the voluntary system is in full and active operation. Mr. Stuart, the calmest, the most judicious and the most accurate observer that has recently

visited the United States, repeatedly dwells with pleasure and satisfaction upon this important fact. 'After hearing,' he says, 'a plain sensible discourse,' from a clergyman, whom he describes as 'a very unaffected sincere looking person,' and of the congregational form of worship, the preacher addressed the people in the following words ;—' My friends, the Sacrament of the Lord's Supper is to be dispensed here this evening. This is a free church, open to all,—Presbyterians, Methodists, Baptists, and other denominations of christians. This is according to our belief. All are invited ; the risk is theirs.' The following newspaper notice, also given by Mr. Stuart, is in the same spirit ;—' The corner stone of a new Baptist church was laid at Savannah, in Georgia, and the ceremonial services were performed by the clergymen of the Methodist, German, Lutheran, Presbyterian, Episcopal, and Baptist Churches.' ' The Sacrament of the Lord's Supper was administered in the reverend Mr. Post's church, (Presbyterian church at Washington,) and, as usual, all members of other churches, in regular standing, were invited to unite with the members of that church, in testifying their faith in, and love to their Lord and Saviour. The invited guests assembled around the table ; and it so happened, that Mr. Gundy, a senator from Tennessee, and two Cherokee Indians, were seated side by side.' This spirit of liberality and conciliation is not of recent origin, but of very long standing in America, as the following anecdote of Washington, taken from ' Hosack's Life of Governor Clinton,' will show.—' While the American army, under the command of Washington, lay encamped in the environs of Morris-town, New Jersey, it occurred that the service of the communion (here observed semi-annually only) was to be administered in the Presbyterian Church of that village. In a morning of the previous week, the general, after his accustomed inspection of the camp, visited the house of the reverend Doctor Jones, then pastor of that church, and, after the usual preliminaries, thus accosted him :—" Doctor, I understand that the Lord's Supper is to be celebrated with you next sabbath. I would learn, if it accords with the canons of your church, to admit communicants of another denomination ?" The Doctor rejoined, " Most certainly. Ours is not the Presbyterian's table, General, but the Lord's table ; and hence we give the Lord's invitation to all his followers, of whatever name." The General replied, " I am glad of it ; that is as it ought to be ; but, as I was not quite sure of the fact, I thought I would ascertain it from yourself, as I propose to join with you on that occasion. Though a member of the Church of England, I have no exclusive partialities."

Matters are differently arranged under the English hierarchy. When a few years ago the late Dr. Hobart, the Episcopal Bishop of New York, a man of exemplary piety, learning, and benevolence, visited this country, he was desirous of preaching in an English church, but was politely informed by the Bishop of London, that there was an Act of Parliament against an American Bishop preaching in the churches of the Establishment. When Bishop Hobart afterwards visited Rome, he had the Pope's permission to preach where he liked. After the peace of 1783, and the acknowledgement of the Republic, some American Bishops came to this country for the purpose of being consecrated by the Archbishop of Canterbury, but the English Bishops refused to perform the office to a man, and the office was at last performed by the Bishop of Aberdeen. Indeed, on many essential points, Church of Englandism, as Mr. Bentham called it, may be considered as one of the most intolerant forms of religion in the world.

The most wonderful part of the Essayist's production, is his eulogy on the clergy of the Established Church. 'As it is,' he says, 'there are some ten thousand men circulating throughout this country for two or three hours most days of their lives, upon various home-missions of charity, of pity, of exhortation, of reproof,—each man of them all knowing precisely the district within which he has to walk; confident in the soundness of the warrant by which he enters every house in it uninvited; and, in general, hailed by the welcome of all, as one of those whose feet are beautiful. What a mass of misery is thus daily explored and relieved! What heart-burnings are quenched! What complaints hushed! What follies withstood! What knowledge imparted! What affections stirred up! Who would rashly disturb this under-current of good-will which is diffusing itself, silently and secretly, throughout all the darkest and most dismal recesses of society, and mitigating so much that is evil in this hard-hearted world? Yet, withdraw the Church Establishment, and it is done.' If such a description had been applied to the economically paid clergy of the Scotch Establishment, there might have been some little truth in it. Or if it had been applied to the Protestant Dissenting clergy of England, or the Catholic clergy of Ireland, no impartial person would be disposed to gainsay it; although even for these the picture need not have been quite so highly coloured. Undoubtedly, among the clergy of the United Church of England and Ireland, there are many men of piety, integrity, and singular virtues; but it is as a body only that it can be spoken of, and who but a heated partisan would think of

speaking in such terms of the richest and yet the most unequally paid clergy that the world ever saw,—of using such terms in reference to the political bishops, the pluralist incumbents, the fox-hunting, the trout-fishing, the quarter-session and justice-of-the-peace-law making, the game preserving parsons of England,—the men whose contention for tithes with their parishioners is a public scandal,—the men who prosecute day-labourers at 15s. a-week, in their own courts for 2s. a-year of tithes,—the men, the maintenance of whose unjust claims in Ireland renders it necessary to maintain an army which costs more money than the entire property of the Irish Church, great and intolerable as it is.

If, say the advocates of the established Church of England, there were no public provision for the Church establishment, the people would want religious instruction, and the clergy would be poorly paid. Example is better than argument in settling questions of this nature. In London there are 500 churches to 1,500,000 inhabitants, and in New York there are 100 churches to 200,000 inhabitants; so that there is a church for every 2,000 inhabitants in New York, and but one for every 3,000 in London, or New York has, in proportion to the number of its inhabitants, one-half more churches than London. Even the Episcopal form of worship, although it is utterly unconnected with the government, and supported only by private funds, is very handsomely provided for in America. The population of the entire State of New York, by the census of 1830, amounted to nearly 2,000,000, and the number of churches belonging to the followers of the Church of England was no less than 150, being by one-half more than the Church of England furnishes to Westminster and the other divisions of the metropolis already referred to. Then, if we reject the drones of the Church of England and consider only the working clergy, the American clergy on the voluntary principle are better paid than ours on the compulsory system. The salary of a clergyman at New York, ranges from 300*l.* to 600*l.*, which is at least 100*l.* more than the average income of the clergy of Scotland, and more than double the average income of the working clergy of the English Establishment, or the Dissenting clergy throughout the kingdom; and this too, in a country where bread and meat are about half the price they are here, where sugar is about half the price, where coffee is half the price, where wine is about one-third of the price, and where tea is about one-fourth of the price. Even bishops are not overlooked in America; Mr. Stuart tells us, ‘that Bishop Hobart,’ the amiable and distinguished man formerly

mentioned, ' was a few years ago advised, on account of health, to visit Europe, and that the trustees advised him while there " to live like a Bishop." On his return, after two years absence, they presented him with 14,000 dollars, being at the rate of near 1,500*l.* a-year, although they must have also paid for a substitute. Now, this, although it was not paying him like the Bishop of London, was giving him a great deal more than is paid on the continent of Europe to an arch-bishop under compulsion.

The great advantages which will accrue from the gradual abolition of the connexion between Church and State, and the substitution for the existing establishments of voluntary ones, may be briefly told. A large fund, the undoubted property of the people, would be ultimately at the disposal of the State, to meet the necessities of the public. The dissolution would deprive the executive government of a vast fund by which it now maintains an influence utterly incompatible with public liberty. The clergy would be more equally and more liberally rewarded, and rewarded as all men ought to be in a well ordered state of society, in a due proportion to their talents, virtues, and services. The people would have more religious instruction, and have it, as they ought to have every good thing, in the ratio of their wants and circumstances. There would be more religion and less hypocrisy. There would be more zeal and less intolerance. In the words of Mr. Madison, afterwards President of the United States, in the remonstrance which was addressed to the slave-holding State of Virginia, when upon one occasion it made an unsuccessful attempt to establish a legal provision for the clergy ;—' Experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of religion, have had a contrary operation. During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less, in all places, pride and indolence in the clergy; ignorance and servility in the laity; in both, superstition, bigotry, and persecution. Inquire of the teachers of Christianity for the ages in which it appeared in its greatest lustre,—those of every sect point to the ages prior to its incorporation with civil policy. Propose a restoration of this primitive state, in which its teachers depended on the voluntary rewards of their flocks, —many of them predict its downfall. On which side ought their testimony to have greatest weight,—when for, or when against their interest?'

T. V.—*Jacobite Memoirs of the Rebellion of 1745. Edited from the Manuscripts of the late Right Rev. John Forbes, A.M. Bishop of the Scottish Episcopal Church.* By Robert Chambers, Author of 'Traditions of Edinburgh,' &c.—Edinburgh; Chambers. London; Longman.

THE Editor of these papers, who is himself the author of a graphic account of the curious event to which they refer, states that they were collected by the zealous episcopal clergyman whose name they bear, after his release in 1746 from an imprisonment intended to prevent his joining in the Rebellion. Having resumed his duties as Episcopal clergyman of Leith, 'He steadily prosecuted his design of collecting, from the mouths and pens of the survivors of the late enterprise, such narratives, anecdotes, and memorabilia, as they could give from their own knowledge, or as eye-witnesses, respecting that extraordinary historical episode. His papers, whether contributed in writing or taken down by himself from oral communication, he regularly transcribed upon octavo sheets, which in the end formed volumes; and nothing can exceed the neatness, distinctness, and accuracy with which the whole task appears to have been performed. He took care, in particular, to see most of the individuals who had been apprehended for their concern in the Prince's escape and carried prisoners to London; an opportunity being generally afforded by their passing through the Scottish capital on their way back to the Highlands. The narratives drawn from these individuals are singularly copious and accurate; insomuch as to lead to an hypothesis in the mind of the Editor, that the good man, having designed to become the Clarendon of the late revolutionary times, contemplated above all things the triumphant pleasure he should have in laying before a new King Charles, when established in St. James's, the affecting history of all his former mishaps. The collection, which ultimately filled ten volumes, was bound in black, with black-edged leaves, and styled, in allusion to the woe of Scotland for her exiled race of princes, "The Lyon in Mourning." As a subordinate title the Bishop adds "Or a Collection (as exactly made as the Iniquity of the Times would permit) of Speeches, Letters, Journals, &c. relative to the Affairs, but more particularly to the Dangers and Distresses, of * * *;" and a scrap of Latin verse is given on each title-page, in allusion to the chief articles embodied in the respective volumes. The first three volumes bear the date 1747; the next three 1748; the seventh is dated 1749; the eighth 1750; the ninth 1761; and the tenth 1775. It thus appears that the bulk of the

collection was made immediately after the close of the insurrection, when the recollections of the actors must of course have been most fresh ; and this part of the collection is fortunately the most important in historical value.' [*Pref.* ix—xi.] 'It would appear that among not the least characteristic of the collections of the zealous Bishop, were some non-literary memorials in the form of relics, attached to the boards of some of his volumes. 'In one,' says the Editor, 'I find a small slip of thick blue silk cloth, of a texture like sarcenet, beneath which is written, "The above is a piece of the Prince's garter;" below this is a small square piece of printed linen, (the figures being in lilac on a white ground), with the following inscription, "The above is a piece of that identical gown, which the Prince wore for four or five days, when he was obliged to disguise himself in a female dress, under the name of Bettie Burke. A swatch of the said gown was sent from Mrs. Macdonald of Kingsburgh." Then follows a slip of tape, with the following note of genuine naïveté, "The above is a piece of that identical apron-string, which the prince wore about him when in the female dress. The above bit I received out of Miss Flora Macdonald's own hands, upon Thursday November 5, 1745, when I saw the apron, and had it about me. *John Forbes, A.M.*" Among other articles of similar importance enumerated by the Editor, 'Within the boards of the fourth volume, two small chips of wood are found carefully sealed down with wax; and an inscription informs posterity that they are "pieces of that identical eight-oared boat, on board of which Donald Macleod &c. set out from Borodale on the continent [mainland of Scotland] with the Prince, after the battle of Culloden, for Benbecula in the Long Isle. The above pieces," continues the Bishop, "were sent to me from Major Macdonald of Glenaladale, to the care of Captain Macdonald in Edinburgh, brother german of Dalley. The said Alexander Macdonald delivered the above pieces to me on Wednesday evening December 28, 1748, he having come under a promise, on our first acquaintance, to procure me a bit of the eight-oared boat." The idolatry of which these simple notices are the index, — and if tradition may be believed, it was an idolatry very common in Scotland during the preceding century, — may now only prompt a smile; but it was once of serious import, and like the fantasies of necromancy and witchcraft, though laughed at in a more enlightened age, was the stirrer of intestine hate, rapine, and bloodshed. The fantasy of divine right has now departed; but it should be recollected, that the quality in human nature, which evolved itself in the form of that superstition, has not gone with it, but

exists in altered shapes. Few are more ready to disavow the principles of divine right, than those who are the warm supporters of kindred fallacies. The maintainer of 'the legitimate influence of hereditary rank,' or of 'agricultural protection,' would disdain an association with Salmasius. The insurrection of 1745, is not one of those remarkable events which mark an age through the principles of government which they alter or develope; but it is still a curious object in the 'experience portion' of history, as a tragical example of the power of doing ill, which the existence of political fallacies among the mass of the people may give to a few hot-headed or selfish men; and the moral of the example is the more clear, as one district of the country had made a step before the other, in the acquisition of political science. In the northern part of Scotland there was a race of half-fed, half-clothed savages, whose barbarism the rest of the country did not attempt to mitigate, and into the recesses of whose society no effort was made to obtrude social laws. Had it been possible to have entirely separated one part of the land from another, the inhabitants of the more civilized would have felt it a relief at least from fears; and the others would have felt nothing but the loss of a field of plunder, from which the vigilance of their neighbours laws, as exercised only for their own-preservation, was gradually excluding them. The savages thus did little harm, except in the indulgence of their petty enmities with each other. They were proud and idle, and consequently poor; but while they had the savage vices, they had likewise what are called the savage virtues; and as their way of life was of their own chusing, and their neighbours had not urged the knowledge of a better, they had probably all the animal happiness in sheer existence and sensual indulgence, which savages generally have. In these circumstances, they were to the civilized world no greater evil than a non-existence, or a portion cut away. But the grandson of a man who in the natural course of things might have been forgotten,—the pensioner and ornamental attendant of a foreign court,—came from abroad, and then the scene was changed. A political fanaticism, which those who used it knew well how to awaken, was roused; the savages rushed from their uncultivated hills, penetrated to the heart of the country, through destruction to commerce and manufactures, and the interruption of the laws, to carry divine right by the point of the sword. A government almost unaware of the existence of the enemy, was shaken by their sudden inroad; and when after a period of unquiet and distraction, the attempt was quelled, those who had neither conciliated nor instructed, could exterminate; and the

claimant to the crown left a country shaken by war, and his own followers hunted and shot down like wild beasts among their hills, as the relics of his visit. The species of canine fidelity which actuated many of the adherents of Charles Edward, has been admired by romance-writers; it has indeed a claim to be among the first of savage virtues,—of those virtues which are not founded upon any kind of reasoning, but are parts of the constitution of the human animal. In other words, when human beings are totally uncivilized, the presence of such a feeling, like the instinct of a dog, serves as something on the operation of which a fellow-being can calculate, or in which he can repose trust. The reflections of these people on the hardships to which Charles was personally subjected as the natural consequence of his attempt, are among the most characteristic and innocent operations of this feeling. In their eyes he was not merely suffering injustice, he was not merely deprived of that piece of property to which he had a right;—an infraction, an inexplicable infraction of the laws of nature had been committed, and they were as much astonished at the sleight of hand transacted before them, as a Hindoo when he sees snow, or Galileo when he found nature indulging in a vacuum, after having disallowed it for four-and-thirty feet. They saw the man filthy and in rags, reclining on a bleak hill, who ought to have been glittering in diamonds and reposing on the people, as their ballads frequently expressed, and as their novelists have repeated;—

‘ There did our young Prince lie down,
Whose home should have been a Palace.’

It is to the same principle, tinged perhaps with a feeling of a somewhat nobler order, that is owed the fact, honourable to the constancy of the poor to their creed, that a reward for Charles’s head, sufficient to have enriched a district, was never competed for.

But the adherence to divine right was not the only circumstance calculated upon in this insurrection; a dazzling perspective of Dukedoms and Marquisates, made the motives of many of the adherents resemble those of their leaders. In England there existed a party of Jacobites; some of whom considered themselves of that creed by hereditary right, while others connected with the original body of ‘patriots’ who harassed Walpole, finding themselves disappointed of office by Pitt and Pelham, looked to the return of the banished family, as, among other chances, one very likely to turn out in their favour. Their chance, however, depended on the Pretender’s coming.

over with a tolerable force; but he came alone, and therefore they were prudently silent*. Scotland was at that time in a different situation. One part of it was cut off from the laws; and the whole country when placed in juxtaposition with England felt itself poor. The poverty of Scotland at that period has generally been accounted for from the removal of the court; to a city of lackies, the removal of a court is the abstraction of the daily bread of the community; but to a country of agriculturists and manufacturers, it is a good riddance. The poverty of Scotland arose not from the removal of one great court, but from the existence of many petty ones,—especially in that part which has been noticed as beyond the pale of the laws. The consequence of the existence of heritable jurisdictions was, that each man, instead of gaining his livelihood as he thought best by his own industry, got his living from his chief, and gave his obedience in return. Independently of the moral influence of this state of society, the chiefs were left to the exercise of considerable terror over their slaves. In the Culloden papers an instance occurs during the period of Sir Robert Walpole's administration, in which the chief writes to the principal law officer of the crown, requesting him not to take any trouble about certain criminals of his clan, as he is about to hang them himself. It was a subject of consideration for such men as Walpole, how this district was to be prevented from doing mischief to the prosperous country over which he held rule. There appeared to be no better plan than that of giving to one party the power of chastising and keeping in order the other. To have given to the principal party, the Jacobites, this authority, would have been to arm a robber. But there was one powerful family which preserved the recollections of ancient persecution by the Stuarts, the family of Argyle. Backed by the power of the state in being appointed hereditary Justice General of Scotland, and supported by the Low Country filled with Presbyterians who hated Jacobitism, the Earl of Islay was able to turn the balance of power in the Highlands in favour of the Hanoverian interest. This nobleman, the deputy of Walpole in Scotland, was in reality his patron in as far as respected that part of the country. He was termed 'the king of Scotland,' and few courts were attended by more obsequious followers than his.

* It is generally understood that the Stuart papers, at present in the hands of government, throw a strange light on the motives of the representatives of many noble houses at this period. It is disgraceful to the persons to whom they are committed, that these papers are not published; but perhaps they would exhibit in too true colours the acts of an hereditary aristocracy.

Being by title the Supreme Criminal Judge, he made use of his jurisdiction, and those of his deputies, in aid of government, and by the strong hand of compulsion kept his enemies and those of his party for a time in order. He took care, that for them there should be no offices of trust, no favours extended which might give influence*. The plan was successful while no accident interrupted; but the arrival of Charles made the disaffected rebound to their natural position. It chanced in the course of events, that one of those persons who filled the higher offices in Scotland through the influence of the Argyle family, was a man of singular honesty and good intention, Duncan Forbes, the President of the Court of Session. He is considered the great model of the northern Whigs, and his character has been drawn by them in so strong relief against that of his associates, that he might appear to have been the only Whig whom Scotland could then produce; it would indeed be well for the world were the paragons of all ruling parties equally honest. Forbes had scarcely the courage or foresight to be a Law Reformer; he was content to wield with such justice as his conscience dictated, the crooked system over which he had an extensive power. A man of that period who meant well to his fellows, behoved to take strange methods for putting his intentions in practice. To make the excise on beer more productive in Scotland, he proposed, 'By an Act of Parliament to prohibit under sufficient penalties, to be recovered with certainty and dispatch, the use of tea amongst that class of mankind in this country, whose circumstances do not permit them to come at tea that pays the duty; and yet, whose taking to run tea, and deserting the use of malt liquor, occasions the complaint.' And on occasion of the riots in Glasgow at the introduction of the Malt-tax, when the ministry wished some of the ringleaders to be prosecuted for high treason; he, as Lord Advocate, represents that it would be preferable to prosecute for mere rioting, not only because the punishment would be sufficient for the offence, but because 'in the disposition in which the country now is, it would be utterly impossible to pick up a Grand Jury, for example, that would find bills against these rioters, or that could be convinced that their offence is within the construction of law High Treason†;—though a jury such as was required to decide on

* Some writers on the State of Scotland at this period say, that at the accession of George I, a dutiful address from many of the Highland chiefs was committed for presentation to the Duke of Argyle; and that its suppression caused the insurrection of 1715. There seems scarcely sufficient historical evidence in support of the charge.

† Culloden Papers, 351.

ordinary cases in Scotland, could easily be picked up and made agreeable to the wishes of government. But in despite of political economy and the philosophy of legislation, he was continually doing practical good. He objected to throwing desperate men on society by extensive forfeitures after the affair of 1715; represented the inutility of punishing the wretched clansmen who only obeyed their ambitious chiefs; and anticipated the first Pitt in suggesting the propriety of employing the Highlanders as soldiers;—but his voice was disregarded. Previously to the year 1745, he had made himself personally acquainted with most of the powerful families, and was a steady watcher of their motions. At the landing of the Prince, his discernment and promptitude enabled him to arrest in their progress many of the most powerful of those who would have flocked to his standard. At that time every man in the country acted, like persons in a general riot, according to the number of people who would obey his dictation; and the President of the Supreme Civil Court occupied himself in heading and levying troops, seizing on suspicious persons by the strong arm, superintending fortifications, &c. The Duke of Newcastle trusted entirely to his advice; yet his suggestions for crushing the attempt in the bud were not followed; the men and money he considered necessary were not sent; and, after having spent all the money he could command, he borrowed on the security of his estate. Powerful, however, as he was, it was long before he was enabled to mitigate the severities which followed the victory of Culloden; and it says much for the sincerity of his endeavours, that they procured him the displeasure of the government. He was never rewarded in the usual manner;—indeed it is pretty clear, that the sums expended by him were never repaid during his life. In his papers, there does not appear to be any regular application for payment; but in his dying words, as noted by his son, he feelingly alludes to the circumstance, ‘You have come,’ he says to his heir, ‘to a very poor fortune, partly by my own extravagance, and the oppression of power. I am sure you will forgive me, because what I did was with a good intention.’ His great enemy at court was probably the Duke of Cumberland, who never could forgive him for attempting to stop his barbarities. On this subject the following anecdote in the collection under discussion, alluded to in many pamphlets of the time, if not strictly true may at least be cited as an evidence of the known state of feeling between the persons mentioned in it.

‘In the North of Scotland I happened to fall in with a venerable old gentleman, an honest Whig, who, looking me seriously in the face, asked if the Duke of Cumberland was not a Jacobite. “A

Jacobite!" said I, "how comes that in your head?" "Sure," replied the old gentleman, "the warmest zealot in the interest of the Prince could not possibly devise more proper methods for sowing the seeds of Jacobitism and disaffection than the Duke of Cumberland did." I wish I could draw a veil over the shocking cruelties and many other illegal doings committed by the army under his command. These I pass over as now too well known for me to insist upon. But what do you think of the unaccountable treatment of Messrs. Hossack and Fraser, and of some other honest Whigs who would have hazarded life and all in support of the present government? Above all, what do you think of the return the Lord President of the Court of Session, the sagacious Duncan, met with for all his remarkable services? remarkable indeed they were, and yet the utmost scorn and contempt he had in return for them! When His Lordship was paying his levee to the Duke of Cumberland at Inverness, he thought fit (as it well became his character and station) to make mention of the laws of the country, &c. To which the Duke of Cumberland was pleased to say, "The laws of the country! my Lord, I'll make a Brigade give laws, by G—d!" A plain indication this of a hearty desire to introduce a military government. "It was well," continued the old gentleman, "that President Forbes escaped a kicking-bout, as the Duke of Cumberland uses his friends with freedom. For my own part," added he, "I would not wish to be the person that had received the sage advice of the sagacious Duncan with derision, because it would have been a lasting imputation upon my judgment and discretion; for certain it is, that His Lordship was a gentleman of very extraordinary and uncommon parts, and had an extensive knowledge of men and books. It was not beneath the dignity of a crowned head to listen to his words. He was one of a very high spirit; and the usage he met with for all his services, joined with the miseries of his country, bore so hard upon him, that it is indeed a prevailing opinion among us in Scotland, that he died of heart-break." Thus spoke the old honest Scotch Whig; and I must own, I found myself unable to make him any return.—333-4.

The anecdote alluded to in the term 'kicking-bout,' may as well be mentioned in connexion with the above. It is repeatedly narrated in the various papers in this collection, and appears to be founded on fact. As told in the following quotation, it appears to have been written by the author of 'A Letter from a Gentleman in London to his friend at Bath.'

'When John Fraser Esq., the then Lord Mayor (in Scotch, Provost) of Inverness, and the Alderman, (attended by Mr. Hossack, the then late Lord Mayor,) went to pay their levee to the Duke of Cumberland, the Generals Hawley and Husk happened to be deliberating and making out orders, about slaying the wounded upon the field of battle, &c. Mr. Hossack (a man of humanity, and the Sir Robert Walpole of Inverness, under the direction of President Forbes,) could not witness such a prodigy of intended wickedness, without saying some-

thing, and therefore making a low bow to the Generals, he spoke thus :—" As His Majesty's troops have been happily successful against the rebels, I hope Your Excellencies will be so good as to mingle mercy with judgment." Upon this General Hawley bawled out "D—n the puppy! does he pretend to dictate here? Carry him away!" Another cried "Kick him out! Kick him out!" The orders were instantly and literally obeyed; for good Mr. Hossack received kicks upon kicks, and Sir Robert Adair had the honour to give him the last kick, upon the top of the stair, to such purpose, that Mr. Hossack never touched a single step till he was at the bottom of the first flat, from which he tumbled headlong down to the foot of all the stairs, and then was he discreetly taken up, and carried to the Provo's guard. A notable reward for zeal! in which Mr. Hossack was warm enough, but with discretion and good nature, as I was informed.

'But this is not all. Mr. Mayor himself (John Fraser) behaved to have a specimen of their good sense, and genteel manners: for he was taken from dinner at his own table by an officer and some musketeers, with a volley of oaths and imprecations, to a stable, and was ordered to clean it instantly upon his peril. Mr. Mayor said, he never cleaned his own stable, and why should he clean that of any other person? After some debate upon the dirty subject, Mr. Fraser was at last indulged the privilege to get some persons to clean the stable. However he was obliged to stand a considerable time almost to the ankles in dirt, and see the dirty service performed! Oh notable treatment of a king's lieutenant.'

'This singularity of military conduct towards Messrs. Hossack and Fraser is the more amazing, as none in Great Britain can be more firmly attached to the present establishment, as settled in the illustrious House of Hanover, than they are: but whether or not this unaccountable treatment has thrown a dash of lukewarmness into their zeal, I shall not take upon me to determine. Had it been my case, I am afraid my zeal would have turned as chill as ice itself. The wanton youngsters in and about Inverness, distinguish these two gentlemen by the names of the Kick Provost, and the Muck Provost.'

It would appear from this collection that some of Cumberland's officers were not more accomplished in kicking than in pillaging. A lady provides an auction-roll looking document, which she unceremoniously entitles 'Copy of a list of what General Hawley took from me when I lent him my house at Aberdeen.' The list is very distinct and particular in the enumeration, and begins 'One set coloured table china, viz. ten dishes, a soup dish, and four dozen and ten plates.' The General seems to have had an eye after both the useful and the ornamental. The list proceeds to enumerate 'Many dusting-cloths, for he left none. An embroidered fire-screen. A repeating clock with the stand for it, which stood by the bed in which he lay. All the books. Three flutes, and music-books. Two canes with ivory

heads. Two maps. A large marble mortar and pestle. A very big copper fish-kettle with a fish drainer in it. Several larding pins, and a dozen of iron skewers.' The lady so pillaged, writes an account of the circumstances to her sister. It appears from the terms used, that she was an Englishwoman.

'That you my dear Mrs. Bowdler, Miss Harriott, and my brother, have been all very much astonished at not having for so long a time heard from me, (especially as I have had several kind letters from you all,) I verily believe; but what is worse, the reading of this will give you and all my friends great concern, and surprise you very much, when I shall tell you that the day before the Duke of Cumberland came here, which was the 23rd of February, Colonel Watson, one of General Hawley's aid-de-camps, my neighbour Mr. Thomson, and Provost Robinson, came to me and said that the College, which was designed for the Duke, was not found convenient, and that my house and Mr. Thomson's, was what they must have. It was no difficulty for Mr. Thomson to find a place to go to, because all his and his wife's relations live here, but that was not my case: however, these gentlemen told me that when I had found a place to put myself in, all the difficulty was over, for that as to every thing that was in the house, greater care would be taken of it than of any other; for I might and ought to depend on it, that as I lent my house for their convenience, they would not let me be a sufferer in any respect; that as to my china and linen I must lock it up, and put my kitchen furniture in the cellar, that it might not be in their way, and lock them, only leaving them a place for their coals, and two maids in the house to do anything for them, and make myself quite easy, for they would not stay above two or three days here. * * * The very next morning after they came, before I was out of my bed, General Hawley sent two messengers to command me to send him every key I had, and so I did, still thinking that when he had satisfied his curiosity, he would send them to me again; but about six o'clock in the afternoon, he sent one of his aid-de-camps to me, (whose name is Wolf),' [The editor states that he has ascertained this person to have been distinct from the officer that was afterwards the celebrated General Wolfe], 'who after telling me rudely enough, that he had a great deal of trouble to find me out, said, that he was come to let me know, that by the Duke and General Hawley's orders, I was to be deprived of every thing I had but the clothes on my back. Do not wonder that I thought this an uncommon hard sentence, for I am very sure that I never either said or did anything that could offend any of them, or any of the inhabitants of the place. The gentleman told me, that indeed the General had been very strict in his inquiries about me, but he could not find anything to lay to my charge. The next day, there was a petition read to the Duke, setting forth the cruelty of this sentence, and desiring that at least I might have my clothes belonging to myself and my child, with my provisions, with what I could make plainly appear belonged entirely to me or other people. It was said he

seemed quite amazed at it, and said he would take care that I should not be robbed; and indeed the said gentleman came to me again, and said the Duke had ordered that my things should not be taken from me, so I thought I might depend on this message; but General Hawley, who lived in my house, took care to prevent that, for he packed up every bit of china I had, which I am sure would not be bought for two hundred pounds, all my bedding and table-linen, every book, my repeating clock, which stood by the bed in which he lay every night, my worked screen, every rag of Mr. Gordon's clothes, the very hat, breeches, night-gown, shoes, and what shirts there was of the child's, twelve tea-spoons, strainer, and tongs, the japanned board on which the chocolate and coffee-cups stood, and put them on board a ship in the night time, directed to himself at Holyrood house at Edinburgh.'

The unfortunate writer after making a further doleful enumeration continues,—

'I have sent to my landlord to desire him to take his house off my hands, for it is left in such a way that it is impossible for me to go into it again, nor am I any longer in a condition to keep it. I am putting away Bob's master and Appy.'—212, 217.

This is the same General Hawley who rendered himself celebrated for the eccentric terms of his will, which after observing, aptly enough it would appear, 'As I began the world with nothing, and as all I have is of my own acquiring, I can dispose of it as I please,' terminated with these words, 'In witness whereof, I have hereunto set my hand and seal, having writ it all with my own hand, and signed each page; and this I did, because I hate all priests of all professions, and I have the worst opinion of all members of the law.'

As a converse to this, see what Lord George Murray, Charles's Commander-in-Chief, says of his own army.—

'As to plundering, our men were not entirely free of it; but there was much less of this than could have been expected, and few regular armies but are as guilty. To be sure there was some noted thieves amongst the Highlanders, (those called our Huzzars were not better;) what army is without them? But all possible care was taken to restrain them. How often have I gone into houses on our marches, to drive the men out of them, and drubbed them heartily. I was even reproved for correcting them. It was told me that all the Highlanders were gentlemen, and never to be beat; but I was well acquainted with their tempers. Fear was as necessary as love, to restrain the bad and keep them in order.'—126.

A considerable portion of this collection consists of accounts of the barbarities after Culloden. There is no doubt that these were dreadful. The government side has been silent on the subject; but after making allowance for the exaggeration of party, there cannot be much doubt that the numerous narratives

given from different sources in this collection, are, in the leading particulars too surely true. They are wearisomely disgusting, and there is scarcely a passage within a hundred pages which it is not revolting to read. Perhaps it might interest the members of the Church of England, to find the Episcopal party the subjects of proscription, and the Presbyterians zealously following Scripture in visiting the sins of the fathers upon the children until the third and fourth generation. There are scarcely grounds for ascertaining the feelings of the individual whose ambition caused so much ruin, and in the absence of proof it would be unfair to decide; but a member of his own party, Dr. King, in his anecdotes seems to lean against him when he says, 'I never heard him express any noble or benevolent sentiment, the certain indications of a great soul and good heart; or discover any sorrow or compassion for the misfortune of so many worthy men who had suffered in his cause.'

After these bloody details, a string of accounts of the 'Prince's Wanderings and Escape' will only interest the writers of romances. Such instances as the following, are specimens of princely ingenuity, which it may do no harm to those who may be in danger of being deprived of the occupation of governing nations, to read.—

'Donald Mac Leod said the Prince used to smoke a great deal of tobacco: and, as in his wanderings from place to place, the pipes behaved to break, and turn into short cutties, he used to take quills, and putting one into another, "and all," said Donald, "into the end of the cuttie, this served to make it long enough, and the tobacco to smoke cool." Donald added, that he never knew, in all his life, any one better at finding out a shift than the Prince was, when he happened to be at a pinch; and that the Prince would sometimes sing them a song to keep up their hearts.'—401-2.

ART. VI.—*C. Sallustii Crispi de Catilinæ Conjuratone deque Bello Jugurthino Libri.* Cod. scriptis simul impressisque quadraginta amplius collatis, recensuit, atque annotationibus illustravit Henricus E. Allen.—Londini, apud T. Cadell, 1832.

'THE achievements of the Athenians,' says Sallust, 'were indeed sufficiently great and noble, but yet perhaps scarcely equal to the reputation which they obtained. But because writers of great talent arose among them, their actions have gained a renown superior to that of any other nation.' Transfer the principle of this remark from the case to which it is applied by Sallust, to other and more important instances, and the reasons will be seen why the secret associations of an-

thiquity have been portrayed to us in the darkest colours which the pallet of the historian afforded. In recording Patrician spirit and Patrician virtues, in the details of oligarchical triumphs and of the achievements of the aristocracy, in narrating the glories of a Dictator, who (created for that very purpose) trampled on the rights and just demands of the people; in these instances and such as these, the world has never had to complain of a dearth of annalists; wealth, and rank, and power, have always found a crowd of anxious devotees, who burned to employ their time and talents in the gratifying and profitable task, of exalting to the skies the merits of their patrons, of concealing their defects, and magnifying their virtues. With such men, insolence assumed the name of dignity;—despotism was surnamed necessary decision;—cruelty was softened into firmness;—and wholesale murder represented as salutary correction or coercion. They linger with sympathetic prolixity over the blood-stained annals of a *conservative* Sylla, they extenuate his villainy, they gloss over his crimes; and even when, by their own declaration, 'his victorious partizans spread widely throughout the land rapine and plunder, when they desired, one a house, and another lands, without either modesty or moderation, and perpetrated upon their plebeian fellow-countrymen the most foul and cruel atrocities,' then at last is made the gentle admission, that 'Sylla having, (as they term it) retrieved his country by arms,' (in other words having, by military despotism, crushed the power of the commons) 'ended not so well as he had begun*.'

Had there indeed appeared any bold, and talented advocate of freedom, from whose pen could have been received the details of such transactions, untinted by the rancour of patrician animosities and unstained by patrician prejudice, it might be found, that the deeds and virtues of these 'Athenians' were much inferior to their reputation, and that their fame is owing in great measure to the simple fact, that our accounts of them are derived from those who were either their associates in the acts which they afterwards related, or were at least subject to all the influence of political partizanship.

It was, however, next to impossible under the constitution of Roman society, that any such writer should be found. Education was both exceedingly expensive, and difficult of attainment at all; derived principally from a foreign country, and out of the reach of all but those whose property enabled them to support the expense of Grecian pedagogues. Nay, a journey to that country was as requisite to complete the education of

* 'Dona initis melos exitus habuit.'

a Roman youth, as ever a trip to the Continent was thought necessary to add the last polish to a sprig of aristocracy. If, moreover, any aspiring spirit of the '*ignobile vulgus*' started into life and energy, and seemed determined to push his way through all the barriers opposed to him by a dominant faction, he was naturally led to devote his attention rather to the cultivation of oratory than of written composition, since by the former alone could he rouse and conciliate to himself that prompt support from the people, which was absolutely indispensable at each moment of his progress. A history which should have given to the commons a true picture of their condition, while it pointed out the rise and progress of the evils which oppressed them, would evidently have been supported with but little warmth, because it must have been but little known by the vast majority of those to whom it must necessarily have addressed itself. It is found accordingly, that in an age when the circulation consequent upon printing was unknown, it required the personal favour and often the special command of the temporary lord paramount, to induce any one, however much inclined to it, to undertake a task, the labour and difficulty of which were so obvious, while the fame (for advantage there was little or none) to be derived from it was distant and partial.

These remarks will account in some measure for the death, or rather total absence, of fair and honest histories of the proceedings of the popular party in Rome; one consequence of which is, that the history of the secret societies of antiquity, being derived altogether from men arrayed against them by the strongest prejudices, should be looked upon with peculiar suspicion.

Tyranny then, as now, laboured to suppress the growth of free discussion, and the advancement of political or general knowledge. The Roman Tories, like those of later times, knew well that their empire was inherently one of darkness, and that their idols, (though in the partial light which alone they allowed to beam on them, they looked fair and firm and untouched by decay,) would crumble into dust when exposed to close examination. They had then, as now, their emissaries to misrepresent motives and mis-state facts; they then, as now, perverted every action of those whose aim it was to show to the people their real rights, and blackened the characters and vilified the conduct of all who attempted to touch the tottering temple of despotism.

A remarkable instance in point, appears to be the conspiracy of Catiline, as it has been received principally from Sallust and Cicero.

Those of modern writers who have treated of this conspiracy, have generally considered it under one of two very different points of view. The Tories, in their anxiety to eulogize the conservative patriotism of Cicero, have represented it as a base and murderous combination of the rabble with a few desperate nobles, to overthrow the settled order of things, and introduce the reign of anarchy and plunder. Unable to prove directly, that Cæsar, the great advocate of the popular claims at that period, had ever consented to these measures, they have been contented with throwing out the strongest insinuations against his character and conduct, and representing his support of the laws upon Catiline's trial, as an almost decisive proof of his guilt. Those, on the other hand, who have been less prejudiced against the people, have laboured to show that Cæsar was perfectly unacquainted with and unconcerned in the proceedings of Catiline, because they naturally felt anxious to remove from the reputation of a democratic leader the stain of having participated in his alleged designs. By them it is represented, that the conspiracy was altogether formed of the most debauched patricians, and that the people ought not to be charged with having ever associated their cause with that of these bankrupt profligates. Neither party, it is probable, have taken an altogether accurate view of these transactions.

The internal condition of the Roman empire was at this time one which exhibited an awful picture of the consequences which the grasping ambition and insatiable avarice of a dominant aristocracy must always produce, when unrestrained by the exertion of popular indignation. The Roman Tory party had surrounded themselves with every safeguard which the terrors of conscious guilt could suggest. Separated from the body of the people, not only by the distinctions of wealth and property, but by the more impassable barriers of birth, they handed down among themselves every office by which fame or emolument could be acquired*. The government of the provinces, from which vast sums were annually plundered, was then, as in later days, entrusted to those who by their votes or speeches in, and their influence out of the House, had mainly contributed to the aggrandisement of 'the order,' or to the success of some plan for trampling still further on the liberties of the Commons. The people had however by degrees learned somewhat of their own strength. By the establishment of the office of military tribunes, they had succeeded in breaking down

* 'Penes eosdem ærarium, provinciæ, magistratus, gloriæ, triumphique erant.'

a part of the obstacles which impeded their progress towards the Consulship ; and they had proved, by an excess of moderation at the elections for that office, that they were not unworthy of the privileges they had obtained, and that they might, with full safety to the patrician rights, have been entrusted with access to the highest dignities. In truth, in all ages and in all countries of the world, wealth and rank will, if undebased by tyranny, exercise their legitimate influence. It is perhaps well for the liberties of mankind, that power is in this instance blind to its own interests, and that the mighty of every land, not content with all that would unhesitatingly be conceded to them, have invariably been tempted to strain the chain too tightly, until the sudden bursting of its links involved them in a ruin which the excess of their avarice had naturally incurred. Thus the defenders of the people had been sacrificed to the fury of their tyrants, and the murder of the Gracchi had filled up the catalogue of patrician crimes. Law after law was passed, tending to exalt the prerogatives of birth, and to depress individuals of meaner origin. The people were even at last separated from the enjoyment of the public games in common with their masters, and insult was thus added to oppression. The Commons indeed, occasionally made vigorous but ill-sustained efforts to rally. Laws were proposed by their advocates, to restrain corruption in candidates for preferment, to declare those who had been guilty of it incapable of holding office in the state or a place in the Senate, and to prohibit the Senate from ordering in any matter properly belonging to the people. All these however were either rejected or eluded by the oligarchy, who anxiously watched every opportunity to recover any of their former losses. Thus, when it had been found necessary to transfer the power of judgment from them to the equestrian order, they bribed a tribune of the people to propose the restoration to them of this abused privilege, and even went so far as themselves to bring forward the Agrarian Law against which they had so often struggled, in order to drown the clamour against their new attempt. This clamour was so general, that the tribune was obliged to call in the assistance of the Italians and Latins, and to offer to them on behalf of the Senate the freedom of the city if they would support his measure. The Senate however were afterwards afraid to fulfil their promises, and hence arose that social war which long devastated Italy, and ended in establishing the power of the patricians in the person of Sylla.

Throughout the whole period indeed thus briefly sketched, the nobles had never in any degree relaxed the severity of their

power; they pressed continually upon the Commons with a rod of iron, and laboured to crush in its infancy every germ of liberty. It is found accordingly, that when in the time of the Jugurthine war, thirty-eight years before the conspiracy of Catiline, Marius, a man of unblemished reputation, who had (as admitted by the historian) 'every claim to the Consulship except antiquity of family*'; one 'who was distinguished for industry, probity, skill in military affairs, and for a mind great in war, moderate at home, victorious over passion and the desire for wealth, and eager only for glory'; when such a man applies to his general for leave of absence in order to canvass for the Consulship, he is refused and taunted, and told that such desires are unsuitable to his rank and station; that he ought to be satisfied with his present condition; and finally, 'that he ought to beware of asking from the Roman people what would justly be refused to him†.' 'No new man,' says Sallust, that is, no one except of the privileged caste, 'was so renowned or distinguished, but that he was esteemed unworthy of that honour, and, as it were, polluted‡.' This tyranny however, overdid itself, and accordingly it appears that Marius not only took permission to neglect the advice of Metellus, but that, after his success in these unjust and improper aspirations after dignity, the natural consequence of such oppression followed,—the power which he had wrested from their reluctant hands, he proceeded to exert to their injury; and boasting that he had obtained the Consulship as a spoil from the conquered nobility, he proceeded to attack individually and collectively the usurpations which they had made upon the rights of the Commons. How is it that neither the experience of former nor of later times, will convince men that concession to just demands is the true 'conservative' principle? How is it that they do not see the policy of granting as a favour, that which must ere long be wrested from them as a right; and that they are blind to the danger of first exasperating a people by oppression, and then skulking away in terror before the whirlwind of popular indignation which their folly has excited? In the triumph of Marius the people did not observe moderation; they retaliated upon their former masters the excesses under which they had themselves suffered, and thus paved the way for the usurpation by

* 'Ad quem [consulatum] capiendum, præter vetustatem familiæ alia omnia abunde erant.'

† 'Posteius caveret id petere à populo Romano quod illi jure negaretur.'

‡ 'Novus nemo tam clarus neque tam egregiis factis erat, quin is indignus illi honore et quasi pollutus haberetur.'

which Sylla overthrew their slight remains of liberty. This man, setting out with the conservative principle of re-establishing patrician dominion and restoring to the aristocracy the privileges which from time to time they had been obliged to surrender, soon discovered that in the contest for power between the two great parties, there was opened an opportunity of establishing his own authority, and that when they had exhausted each other's strength, they might both be overwhelmed by a despot. This design he possessed talent sufficient to accomplish; and the Commons and Patricians were soon reduced to an equal subserviency, if not an equal servitude. The first he overpowered by the vilest cruelties, the others he purchased by the most wide-spread plunder. Still, however, the aristocracy were so blind as to prefer even this iron tyranny, to the possibility of any encroachment from their former opponents, and Sylla was accordingly termed the preserver of his country.

From this time until the conspiracy of Catiline, the people sank gradually into deeper misery and degradation. Terrified by the murder of their defenders, and shocked by the excesses into which their former advocate Marius had degenerated, or rather been driven by the persecution of Sylla, they appear to have been awed into sullen but complete submission. Pompey had now risen to lead their adversaries against them; the eloquence of Cicero blazed forth, and almost made the worse appear the better cause. Oppressed by debt, unable to extricate themselves from the toils of the usurers (for this profitable trade had been monopolized by the patricians), sunk into the extreme of poverty, while they beheld around them the ultra-luxury of their tyrants, they remained subservient to masters whom they both hated and despised.

In such circumstances it was, that the conspiracy of Catiline was undertaken; whose character and proceedings it is intended to examine, after first briefly inquiring how far the two writers, Sallust and Cicero, from whom the accounts of him are principally derived, are deserving of credit, and where they may naturally be doubted. It is clear, that at the outset many prejudices are arrayed against such a process. Men have been accustomed from the days of their childhood, to look upon Catiline as the *beau idéal* of murderous profligacy; he was the raw-head and bloody bones of their youth, as Bluebeard was of their childhood; there is therefore a natural disinclination to permit him to lose any of that pre-eminence with which he has been gifted. Those however who know the true spirit of Toryism, will pause ere they assent to all

that the historians of that party have written concerning one of their most dangerous opponents. If the history of former ages is the best guide to the present, the reverse of the proposition is as certainly true, and the knowledge of the effect of party-spirit in their own times, should lead men to decide with the utmost caution upon the character or motives of one, against whom the feelings of the historians were strongly arrayed. They know the outcry raised even in these latter days of diffused knowledge, against those who could think of admitting to any political privileges or immunities their Catholic fellow-countrymen. They may remember the virulence of Tory venom poured upon the characters and persons of all who dared to intrude upon the sacred precincts of borough corruption, and legislate in some degree for the representation of the people. They must have heard most respectable country-gentlemen insist, that such persons had leagued together for the total overthrow of the British Constitution, and the destruction of the monarchy; and they may fairly doubt, considering the advance since made in intelligence, whether the wisdom of these most sapient reasoners did not equal the credulity of those who shuddered at the bloody bowl of Catiline.

Admitting, however, all that has been written against the personal character of Catiline, (some part of which nevertheless there is great reason to doubt), the objects and nature of his conspiracy could scarcely have been such as men have usually imagined them. And first, as to the testimony of his historians. Sallust was descended from a family which had been long distinguished in the equestrian order; he was a man of profligate morals, and had spent the earlier part of his life in the pursuits of ambition, but having failed in his attempts to rise to any eminence in the government of the state, he retired discontented and dissatisfied, to inveigh in his writings against the worthlessness of that popularity for which he had laboured in vain. He had obtained an appointment to the command of some forces and a province; the former being, as at present in Ireland, necessary to force unwelcome measures upon a miserable people. In this province he grew so rich, that his luxury upon his return to Rome was almost unparalleled; even in that most luxurious of cities. Such a man as this was not likely to judge fairly the motives or conduct of those who directed a popular commotion, aimed, as he states, against the tyranny which he had himself exercised, and the superfluous wealth which by plunder he had amassed; — it was like bringing home an ill-conducted governor from New Holland or the Cape, to write the history of the Trades

Unions. His own statement indeed, of his own character, is wonderfully self-laudatory; but unfortunately his contemporaries have considerably differed with him on the subject.

But there were other reasons which must have influenced Sallust in his account of these transactions. He had contrived to insinuate himself into the favour of Cæsar, and would therefore naturally labour to remove from his patron the odium in which the eloquence of Cicero had involved all who had in any degree been connected with Catiline; and what course so suitable to this end could have been adopted, as that the known client and intimate of Cæsar should paint in the strongest terms the wickedness of the conspirators, and represent the motives for their combination as arising from desperate and unprincipled ambition? It may thus be seen *à priori*, how far the statements of Sallust are to be relied on. Intimately acquainted with the vices of the patrician order, and the long-continued system of tyranny with which it had oppressed the people, he may be considered in these particulars as the highest authority; but he wrote while the odium against Catiline was still so recent, and he was so much bound down by his connexion with Cæsar (who having been more than suspected, was naturally very anxious at such a time to guard against the charge), that he may well be imagined likely to lean somewhat severely against those who could then 'tell no tales.' The testimony of Cicero is even more doubtful; for it will soon be seen, that he was influenced by every motive public and private, to vilify the character of the conspirators and of their association.

'Lucius Catiline,' (says Sallust), 'born of a noble family, possessed great powers of mind and body, but an evil and depraved disposition; he had from his earliest youth, delighted in intestine war, in slaughter, rapine, and civil discord. He was daring, crafty, versatile, avaricious of the property of others, and profuse of his own; he had considerable eloquence, though but little wisdom.' His life is said to have been one continued scene of debauchery, crowned finally by the murder of his son in order to make way for the introduction of his mistress. This man, it is represented, had, after the tyranny of Sylla expired with its author, formed the design of establishing his own authority on the ruins of the Republic, urged on in a great measure by the terrors of a guilty conscience which gave him rest neither by night nor day, but principally by the universal corruption of the state, which was tainted with two very destructive but very different evils, luxury and avarice. Having collected around him a numerous band of the most profligate characters, and having, by pandering to their evil passions and

supplying them with every appliance of luxury, succeeded in forming within the city an army of desperadoes, he proceeded to train them by constant exercise to his purpose, and, if he had not any particular business for them at the moment, employed them in circumventing and murdering the innocent as well as the guilty. The reason assigned for such conduct is so inconsistent with human nature, that it is given in the words of the original,—‘He preferred being wicked and cruel without an object;’—*‘Gratuitò potius malus atque crudelis erat.’* In all this account, Sallust might be supposed to have united by anticipation, the styles of the monkish historian and the Antigallican.

Thus steeped in crime, Catiline united with Piso, a young nobleman of dissolute habits, and Autronius who had lately lost his consulship on account of bribery, to slay the consuls Cotta and Torquatus, and get possession of the chief power. ‘Their design, however, (says Sallust), having been discovered, they deferred its execution, and then meditated the slaughter of almost all the Senators, and but for the premature haste with which Catiline gave the signal, they would have accomplished their purpose.’ Not satisfied with impunity, Catiline hastens to concoct new treasons, and, strange to say, notwithstanding the well-known character of the man, there combine with him eleven senators, four knights, and many from the colonies and municipal towns who possessed rank and importance at home. There were moreover several of the nobility who were less openly partakers in his designs; and almost all the young nobility favoured the attempt of Catiline. The reason given for this preference is certainly rather extraordinary, viz. that ‘while they had in their power to enjoy at their ease magnificence and luxury, they preferred uncertainties to certainties, war to peace*.’ Nay more, Crassus, the richest man of his day, and who therefore had most to lose, is said to have united himself to this band of needy and unprincipled adventurers; and Cæsar himself, then rapidly rising into power and importance, is declared on the authority of Suetonius and a host of writers, to have been closely connected with them. Yet their design was to set fire to the city, to commit indiscriminate murder, to plunder all, and to establish in anarchy and confusion a perfect Utopia of villainy.

Examine this account, and see whether it does not bear evident marks of untruth; having further premised, that Cicero has painted the character and conduct of Catiline in even

* quibus in otio vel magnificè vel molliter vivere copia erat, incerta pro certis, bellum quàm pacem, malebant.—*Sal.*

stronger terms than Sallust. And first, is it probable that a man of such open and undisguised poorness of purpose, could ever have made himself the leader of so large and important a body?

That Catiline was a man of dissolute morals is acknowledged; a fact at the time so common, as not to be remarkable. He was accused of extortion, and acquitted. By whom was he defended? By the very Torquatus, the consul whose murder he had planned, and by the whole body of the Patricians; Torquatus having heard of the first alleged conspiracy and disbelieving it. He was afterwards brought to trial for the murder of a near relation of Cicero, and again supported by the entire patrician interest; Cicero himself having either defended him, or at all events having determined to do so (for it is not very evident which) in order to gain his friendship*.

'What seems,' says Hoake, 'most worthy of remark, is, that the cruel murders with which Cicero in his invectives reproaches Catiline, and which he has painted in the most shocking colours, are the very crimes from the punishment of which he once *resolved* (at least) to defend the criminal for the sake of making him his friend.'—'What a pity it is,' he adds, 'that we have not the oration which Cicero had prepared in defence of the alleged murder of his own near kinsman.' It seems also very plain, that after Catiline's repulse from the consulship, (which took place long after Sallust represents his first conspiracy as having been known), all the *Consulares* [men who had passed through the dignity of Consul] appeared for him, and bore strong evidence to his character when he was brought to trial,—those Senators, whom Cicero calls 'good and honourable men, and friends of the Republic.' At this time, according to him, no conspiracy was known of†; so that upon this most important fact of the notoriety of the first conspiracy, the two historians are at variance. Is there not then reason to conclude that there is at least incorrectness in the statements concerning it? But can it be supposed, that Catiline perpetrated these and numberless other crimes during a course of more than twenty years profligacy, without forfeiting the support of all these 'honourable Consulars?' nay more, that Cicero himself took him for 'a good citizen, a lover of every thing excellent, a firm and faithful friend‡.' There is certainly one other supposition

* 'hoc tempore Catilinam, competitorem nostrum, defendere cogitamus.'—*Cicero Ep. ad Att.*

† 'Affuerunt Catilinæ illumque laudarunt; nulla tum patebat, nulla erat cognita, conjuratio.'—*Cicero pro Syll.*

‡ 'Cum et civis mihi bonus, et optimi cujusque cupidus, et firmus amicus et fidelis videretur.'—*Cicero pro Cæli.*

which might be made; which is, that, though Catiline was supported by the Roman oligarchy through robbery, extortion, incest, and murder, without any compunctious visitings to their consciences, they deserted him immediately when he seemed to incline to the popular party, or to aim at the destruction of any part of the edifice which their own tyranny had reared. What in any case is to be thought of the man, the boastedly conservative Cicero, who could for his own private ends, seek the friendship of one whom he has represented as sunk in the lowest depths of crime? The true reasons for his violence against Catiline appear to have been compounded of ambition and malignity; the first expressing itself in efforts to increase his own popularity by exaggerating the magnitude of the danger; the second arising from the fact, that a Bill against the bribery exercised by Catiline in his canvass for the consulship had been negatived by Marius Orestinus, one of Cicero's former clients, but now his bitter personal enemy, and hence the virulence of the oration which he immediately made against his competitor.

'There is scarcely,' it has been truly asserted, 'an assassin mentioned in Roman history, whose merit, after having killed a popular man, is not extolled by Cicero for the heroic deed.' From this may be collected the degree of credit which is due to those parts of Roman history which have been received upon his authority, particularly men's characters, and the motives on which they acted. Indeed the proceedings of Cicero throughout, were well worthy of his political creed. Having by the agency of spies and informers gained information of a political conspiracy,—having permitted it to ripen and advance, just until he was personally endangered,—he then comes forward with a flaunting exposition of his services,—refuses to accept the security offered by the accused, or to take charge of his person,—thus sends him out to spread abroad that ruin which he had himself predicted,—and then returns into the Senate, and lest he should be said to have driven an innocent man into exile uncondemned, makes a most virulent personal attack upon the character of the man whose friendship he had courted, and whom he had resolved to defend. Finally, when the conspirators are seized, he advocates a gross violation of the law, desiring from his excessive personal fears, to get rid of them as shortly as possible. Such was the conduct of Cicero, the idol of past and present Toryism; compounded almost equally of tyranny, malignity, meanness, and cowardice.

And next, is it in any degree probable that the objects of the conspiracy could originally have been such as they are repre-

sented? Laying aside all mention of Cæsar and Crassus, can it be supposed that many of the inhabitants of the colonies and municipal towns, men of rank at home, would have joined a debauched vagabond to further his private views, and to lay themselves open to the same plunder which they had endured under Sylla? Is it likely that many of the principal Romans were partakers in designs which were to entail on themselves ruin and beggary? Is it possible that mere love of excitement could stimulate to their own destruction those 'who had it in their power to live in the quiet enjoyment of magnificence and luxury'? One man is said to have been urged on because he had nothing to lose, another because he had much. Did any such combination for such a purpose ever exist among mankind? The young nobles and the commons, the rich and the poor, the inhabitants of Rome and the people of the country, agreed together to promote general rapine and plunder, and to establish an individual of no character as tyrant over all!

Turn then to what is a more natural and correct mode of accounting for this wide-spread coalition. 'At this time,' says Vertot, 'Rome had scarcely anything left of a republic except the bare name.' A description has already been given of the misery of the commons, the discontent of the colonies and provinces, the tyranny of the patricians. Is it not then more than probable, from a view even of the parties concerned in the conspiracy, that its original object was to restore to the people a part of those rights, of which by the constant usurpation of their opponents they had been robbed? The colonies and municipal towns would join in it, to obtain those political privileges which, though promised to them by the Senate, had been afterwards refused. The Allobroges might be inclined to support this (if indeed they ever intended to do so, and were not hired by Cicero to act as spies upon and then betray the conspirators), because, discontented with the oppression to which they had been subjected, they might hope for a change of circumstances in their favour. The provinces might be expected to incline towards it, to free themselves from the rapacity of their governors. The lower classes would have sufficient reason to co-operate; while the younger nobility might naturally unite themselves to a party headed by the youthful and rising Cæsar, whose influence it was easy to foresee was destined rapidly to increase. And finally, Cæsar himself would probably espouse a cause to which he was led by his political principles, and by his desire to gain for himself a power likely to counterbalance the patrician influence of his rival Pompey. But it is not necessary to infer, that all the designs which were entertained by

Catiline and a few others, must therefore have been participated in by Cæsar. Having once identified themselves with a great and powerful party, Catiline and his intimate followers would find themselves at liberty to concoct in private their own plans ; —and might thus form a conspiracy within a conspiracy,—the last-formed being in reality the Catilinarian.

The conclusion then, appears to be, that the conspiracy called Catilinarian was an effort, *tant bien que mal*, to raise once more the standard of resistance in Rome, to that banding together of the higher classes to oppress the lower, which the analogy of ancient and modern times authorizes the denominating ‘Toryism.’ And the inquiry will not be thrown away, if it directs the scrutiny of a single individual to that great hot-bed of oppression, the policy of ancient Rome,—from which the enemies of modern communities so avowedly derive their models and their idols.

ART. VII.—*An Act for the regulation of the Proceedings and Practice of certain Offices of the High Court of Chancery in England.*
3 & 4 Wm. IV.

GREAT credit being claimed by the Administration for its efforts of last Session in the cause of legal reform, no apology is necessary for a few observations on the subject. Their object will be to furnish some materials for judging how far, even with the limited views of our school of Law Reformers, any really effective plan of operations has been or is likely to be acted upon ; and further, to direct public attention to the important question which arises as to the policy of increasing Crown Patronage in the law, at the rate at which it has lately proceeded.

It is well known that for several years, numerous and extensive boards of inquiry into insulated portions of the law have been sitting and from time to time reporting. The beneficial consequences anticipated from such investigations by those who set them on foot, have been neutralized by several circumstances. The Commissions have been issued at different periods, and under different tones of feeling and action, so that it is no wonder that the results should be different. The Chancery Commission for instance, though costly enough, was probably intended to do nothing, and next to nothing has accordingly resulted from it. In the next place, the law being carved up into portions, with no general supervising authority, the inquiries have been partial, discursive, and unconnected.

Again, the Members constituting the boards have, in their progress, been sometimes changed. Witness the Common Law Commission; where the eminent men first appointed have been succeeded by others of a very different grade, who appear on several points to differ from their predecessors, and, on more than one subject, to take their cue from the Chancellor, who appointed them to report on measures to which he was already passionately committed. In the last place, though these boards were appointed by the Crown on the address of Parliament, it has been considered nobody's business to lay their proposed measures before Parliament. They are not (as they ought to be) appointed to prepare bills; they only print large crude folios, and these are left for any speculative legislator to take as hints or bases for schemes substantially his own, but for which he adroitly claims as much support from a Commissioners Report as he can conveniently find pretence for.

Down to the accession of the present Administration accordingly, little or nothing had been practically done; and though Lord Brougham had himself been the occasion of appointing most of these Commissions, and though no task was easier than the useful but unambitious one of seeing that the measures proposed by them (many of which were opposed by no one, and had long been digested into bills) were carried through Parliament, the matter remained as bad under the present Government as under preceding ones, till last Session, when something certainly was done—it will be seen how much. The old tactics had been hitherto carefully pursued; and even in last Session, on several points there was little variance. High sounding projects and large announcements, Session after Session, formed the topics of long speeches; bills were occasionally introduced, but too late and too crudely formed to pass into laws. In short, each Session was rubbed through, as well as it might; and no one meddled with Law Reform on any consistent plan of operations; but any one that pleased took up such insulated portions as met his particular whim, and fashioned them as much like or unlike the Commissioners plans as suited his caprice, parliament troubling itself in fact not in the least as to any details. Even in the last Session, scarcely anything really effective was done till August; and then everything was pushed through in a hurried imperfect way little conducive to any permanently useful purpose.

It will be sure to be said, in excuse for all this neglect, that it is very hard work to pass bills on these subjects, and that time is waiting, from the press of other business. To which may be replied, that the assertion is nearly altogether untrue. The

House of Lords sits for months literally doing nothing. At any rate to many ordinary and often most useful practical measures of reform, there is in fact no parliamentary opposition at all; these, therefore, need not be delayed; and it is certainly too much to talk of want of time for such straight-forward matters, when Lord Brougham can find opportunity for his own particular projects, where there really is difficulty, arising not only from interested opposition, but from disagreement among reformers themselves as to the principles on which some of his projects proceed.

With regard to the Court of Chancery,—which if the Chancellor had been turned out a year ago, he would have left just as he found it, and which even now is not much improved,—much of the most useful practical reforming could be effected by *orders*, without Parliament interfering at all. One good measure had certainly been effected before the last Session,—that of commuting the impure revenue of the Chancellor for a salary and an increased retiring allowance. This proceeding, however, involved none of the sacrifices so much extolled at the time. The abandoned offices were almost all then full; and certainly were so at the time when the measure ought to have been proposed—the instant the Chancellor took office. The plan had already been long ago applied to the other Courts; and it surely is no great merit to give up, what an honest man would not be easy to retain for a moment.

The only source of real difficulty and impediment in getting through such measures as the Chancellor attempts to carry forward, seems to arise from his professing to act on the step-by-step principle, yet at the same time caring little for practical remedies for obvious practical evils, in comparison with a set of ambitious flights of his own or of some one about him, which are constantly appended as accompaniments to his bills, and which either mar the work if it succeeds, or defeat its progress altogether. For instance, in his Chancery Bill of last Session,—the only measure he has carried through in his own proper department, except the Lunacy Bill, which was in fact Lord Lyndhurst's,—two-thirds of it were obliged to be abandoned. The mischief arose from an attempt at a wild scheme of forming a college of some dozen or more gentlemen with handsome incomes, who were to divide among them the official duties of some departments of the Court, when three or four efficient men with suitable clerks, would have done the work much better. The scheme went in fact to convert the present clerks in Court, with all the inconveniences which such a heterogeneous and desultory body occasions, into a *College of*

Filazers;—so as ingeniously to retain all the vices of the present plan and create a handsome patronage, at the same time that the suitors were deprived of the countervailing influence upon the body which now arises from their not being salaried officers, but being put in a state of competition, and owing their quantity of employment to public confidence. Much merit was claimed for this bill when it eventually passed; and a great deal was said about the labour attending such measures, and the praise due to those who surmounted it. But what, in fact, was all this labour? The whole seems to amount to a week's attention from a Committee of the House of Commons, which they could as well have given in March as in July or August. And what was the degree of finish and perfection of the work? It went to the Lords when there was no time to discuss whether it was right or wrong; and in fact passed with the Chancellor's opinion, that it was wholly wrong in principle and that it must be altered next Session. This is called legislation. The truth seems to be, that it was becoming absolutely necessary that something should be done (particularly as, by the two years delay already incurred, certain Masters were receiving nearly twice what they ought to have done); and it was of secondary consideration what the merits of the alteration should be.

But why, if such a bill as this could pass, could not many other practical abuses have been corrected? The Chancellor had only to select a few clauses from a score of prepared and afterwards neglected bills, in order to accomplish an equal number of generally desired reforms. One point immediately occurs;—Why is not a summary proceeding settled, for recovering legacies or compelling executors to pass accounts? The Chancellor is quite aware of the existing evil; and nothing is easier than to provide a remedy. He in fact, in the case of small legacies, had taken it into consideration in one of his Local Courts Bills. If this was right for one court, can it be less so for another;—considering, especially, that executors accounts of all others least require to depend on some improvement in local machinery, inasmuch as they have already to be passed in town once, at the Legacy-Office. Can it be meant to help the case to be made out for the favourite local project, by purposely keeping the superior courts unreformed?

As a set-off against complaints of neglect or delay in pressing forward any connected plan of Law Reform, the public are incessantly reminded of the Chancellor's activity—effectual and ineffectual—in the cases of the Bankruptcy and Local Courts plans.

The first, the new Bankruptcy project, is one of the most striking instances of the extent to which dubious novelties have operated to mar the pecuniary and other advantages about which all were agreed. It might be added, that it is a striking case of useless, and therefore mischievous extension of government patronage.

No one doubted that it was necessary at once to substitute a permanent and limited number of fixed London Commissioners for the old plan of the lists, and also to abolish the patent places. Most practical men are now agreed that all the rest would have worked itself right; and that an immense expenditure created by certain additions to the plan, has consumed a great share of the saving effected by the good part of the scheme, while the additions themselves are in fact worthless. The removal of the judicial functions to four inferior Judges, is a confessed blunder of the worst sort; especially as with a view to other reforms (particularly the creation of an appeal Bench) it will after all be necessary to add one if not two other Judges to the Equity Courts. The alteration moreover, brought an excuse for creating a whole staff of Registrars, &c., over and above the Secretary's staff, which was still left, though its duties are transferred to others. For these new officers, duties have had to be contrived, in order to fill up their time; and business is removed to them from the Masters in Chancery, just as the latter are rendered cheap and effective in their proceedings. The bearing which all these novelties have on the important point of patronage, will be adverted to hereafter.

The scheme of Official Assignees is plausible, and obtained, much approbation at first; but its merits are now much and deservedly questioned, and it seems to involve the seeds of eventual subversion. Whatever care may be taken at the first creation of a whole class of men,—when all eyes are open;—the case alters as occasional vacancies occur; and there can be no doubt that such places as these will be soon used for other purposes than good ones. Symptoms are already seen, and must increase, of the Official Assignees preferring every kind of immediate realization,—with the certain amount of commission which it brings,—to hard work for the chance of increasing it; and the nature of their dealings renders it often impossible to sift their motives. The class of Creditors Assignees also, necessarily deteriorates in quality, under the notion that the labour falls on the Official. Between the two there is little doubt that the work will soon be very ill done. The opinion is rapidly gaining ground, that the interests of parties provide a better guarantee than the vigilance of any officer can supply. What was wanted,

was an active system of auditing, with cheap and summary access to a permanent Commissioner, strictly enforcing the instant public deposit of all monies received; and with this improvement, all would have eventually gone on much better than it will with the good places and handsome per-centage of paid agents. The present scheme creates and pays a new set of officers to watch the old; and when the new degenerate in turn, there will only have been added a fresh batch of evils for some future reformer to cure.

And this leads to the most extraordinary change effected by the Chancellor's Bankrupt scheme, which has wantonly and without the smallest degree of necessity, swelled the amount of central patronage and placed whole bodies of men under direct political influence,—the provision empowering the Chancellor to require of the Judges lists of country barristers and solicitors, from whom he is to form a permanent staff, to which alone country Commissions of Bankrupts shall go. It may be well to tell a little of the history of these country Commissionerships, as they were fattened up by Lord Eldon, and then dexterously seized upon by his bolder successor.

Lord Eldon, in a very late stage of the progress of the Bankrupt Act of 6 Geo. IV, inserted a clause, which attracted no notice till it was too late. On the promulgation of the Act it was discovered, that it required the parties to summon to every meeting *two* barristers, instead of one as formerly; and moreover, it quietly doubled their fees, giving them 2*l.* each, instead of 1*l.* In short, the fees of every bankruptcy meeting were, from 3*l.*, advanced to no less than 5*l.* For this latter provision (at least as applied to all cases, whether the Commissioners sit in their own town or travel abroad), there was no sort of excuse; unless it was expedient to pay them double for coming to help each other, and standing, perhaps, in each other's way. It was notorious, that the work, at the old prices, was greedily sought for.

In defence of the scheme of getting two barristers to attend instead of one, it might be said, that it was desirable in order to prevent abuses which had occurred in country Commissions. There had been little or no evil of this sort to remedy,—particularly since the number of resident barristers had increased. In many large towns it was notorious, that bankruptcy business was much better done than by the London lists. But when *two* barristers were secured, all chance of collusion became next to impossible, and further interference was then surely unnecessary; or at all events, if these plans failed, and the Chancellor took the appointments to himself, it might be

expected to see the double pay and double servants at once abolished, as certainly no longer justifiable. But no such thing. Lord Eldon fattened the places up, and Lord Brougham wound up the matter by making patronage of them. The progress of the affair remains an evidence of the inexpediency of unnecessarily increasing the value of appointments ; for the superior authorities, as soon as they thus become worth having, are sure to secure them.

The Chancellor's omission to rectify the abuse is the more striking, when it is considered that the House of Commons thought the two provisions of Lord Eldon's Act not only unnecessary but mischievous. They twice added to bills for amending the bankrupt law, clauses for their repeal. Those bills Lord Eldon let drop, because he would not give up his job and dared not openly defend it. Lord Brougham has carefully left the abuse as he found it, except that he has made it his own.

No justification has ever been produced, for this plan of rendering every country barrister and solicitor dependent on the central authorities for a branch of his practice, for which he had before only to rely on his talents and reputation as shown to the parties interested. Even when (as in many cases may happen from want of choice) the persons on the lists shall be identically the same as used before to conduct the business, all stimulus to exertion is, by Lord Brougham's plan, removed. And there is, besides, no medium between putting a young or a declining man into full work, and leaving him altogether without employ ; whereas before, the quantity of employment varied according to experience of the party's competence, and competition brought forward new men to fill up deficiencies.

Some of the new appointments have, in fact, given great dissatisfaction ; though there can be no doubt that care was taken in the first selection. And can it be wondered at, that complaints were made, if (as must be the case) practitioners of skill and activity, who were making their way to eminence, are seen on a sudden arbitrarily shut out from an important branch of their practice in favour of some sprig of aristocracy, who happens to have better opportunities of patronage, or is more expert in the art of attracting the notice of his superiors ?

As before observed, the evil will be most apparent,—not when whole bodies are formed, as they are the first time, with the public eye open, and with every caution on the part of the framers of the lists,—but as vacancies come to be gradually filled up. Favouritism will then have quiet play ; and such cases will be multiplied as are understood to have been tried

even now, but to have been generally frustrated,—of young men called to the bar and actually sent down and made country residents of, in order to fit these appointments.

The next active project of the Chancellor, but in which he has hitherto failed, is his Local Courts Bill, &c.

There is in the 'Law-Amendment Act' a provision for which the administration have no credit, and which in fact the present Attorney-General, the law officer of the Government, at first allowed to be struck out,—as if it was wished to maintain the Upper Courts in all their vices in order to strengthen the case for other projects—but afterwards found himself obliged to reinstate. By this provision, the issues joined in all small debt cases, where no important point is involved, are to be sent to be tried summarily before the under-sheriff, or any judge of any Local Court in the neighbourhood, without the expense of the assizes or counsel. By this provision, in the neighbourhood at least of all large towns, all the causes can be at once tried so; and if the old system of litigation is only, by Lord Brougham's scheme, to be turned into other hands, but with almost all the former defects, it is undeniable that (looking at the mere question of expense and convenience of machinery), the central system, in this as in other business, would work the most cheaply and effectively of the two. Seeing, too, that the public thereby gets rid of the creation of a host of places, disposed of by the Crown and not at the election of the parties interested, it would probably not quarrel with the Peers, if their only offence were the postponement of the scheme laid before them by their Speaker.

The 'Law-Amendment Act,' it may in passing be observed, is in truth, with no parade or pretension, one of the most practically useful measures of the Session. It is only to be regretted that it effects so small a portion after all, of the many valuable suggestions of the Board of Inquiry. It embodies however, several of that Board's practical suggestions, and the credit of it, it is believed, is entirely due to one of the old body of Commissioners, Mr. Justice James Parke. The present body of Commissioners can hardly be supposed to have had any concern in it; as, in the case of the provision for trying small debt actions, the bill quietly effects what they cavalierly and without assigning any reasons, state in their last Report cannot be done at all. It was in furtherance of their opinion, it is presumable, that opponents in the House of Commons were allowed by the Attorney-General to eject the provisions as before noticed, till public opinion compelled their restoration.

The next measures of last Session calling for notice, are

those arising out of the 'Real-Property Commissioners.' Here four bills have at last passed ;—bills which required the mere bodily exertion of moving them through their formal stages, but which for several Sessions, under Whigs as well as Tories, have been barely introduced, languished, and gone out with the Session's close. In August last year, they at last had the good fortune to pass the empty benches. No doubt some of the delay and indifference manifested as to these bills, is to be attributed to the unpopular and repulsive mode of proceeding which the Attorney-General is given to adopt ; but this only shows on what trifling points the passing of these measures turned.

In the 'Fines and Recoveries Act,' another instance occurs of the creation of new offices. This is in some measure the consequence of a gross defect in the English municipal system, which provides no public district officers ; so that every Court issues district commissions to attorneys and other parties to enable them to do public acts,—such as swearing affidavits, taking bails, and a hundred others,—while there is no public place of business of any sort, no safe record of public documents, and nobody but ignorant parish officers to transact the most important civil functions. In every Act of Parliament, the want of proper civil authorities is manifested, and the absolute necessity shown of beginning at the right end, by creating an effective well-instructed popularly-elected officer, to whom resort could always be had, and whose office (the duties of which should be transacted in a known permanent building in every conveniently-sized district or commune), would cut away all the fee and patronage-accumulating schemes of the present system. For want of an authority of this sort, the Registration of births, marriages, and deaths is confined to the members of the Episcopal Church, and is grossly ill done even for them. In like manner the Registration of Votes under the Reform Act is likely to be rendered nearly abortive by the stupidity and ignorance of the only machinery the government at present has to resort to.

On abolishing Fines and Recoveries, it became desirable to have some authority before whom married women should appear to pass their Estates. For this single purpose a whole tribe of new officials is, by the Act, to be created, and in a curious way. This slice of patronage is turned over to the Chief Justice of the Common Pleas, who is to grant commissions for the purpose ;—and thus another source of scrambling and canvassing is opened to all the country attorneys.

But the 'Real-Property Commissioners' had another project,—one of paramount importance, which had been recom-

mended by Commissioners appointed on the address of the Commons, had long been before Parliament, and with some qualifications had been sanctioned the Sessions before last by a Committee of the Commons,—the Bill for a General Registration of Deeds. Was the government, which wishes to rest much of its claim for public support on its zeal for Law Reform, active as to this bill;—which its present Attorney-General had, before taking office, himself moved, and which surely was as ripe for settlement as it ever will be?—No such thing.—Had it even an opinion on the subject?—If it had, it refused to give it. The Attorney-General was forbidden to conduct the bill, that the government's good wishes might not even be inferred. The Bill was put into hands equivalent to its submersion; and the House, finding the government did not think the subject worthy even of an opinion, treated it in the same way. The same course, or nearly so, has been pursued this Session.

The main cause of rejection has hitherto been understood to be the adherence of the Commissioners to a central registration, in preference to country establishments at great cost, where the expense of searches and communications will be much increased, and where uniformity and regularity cannot be insured. Probably, the Commissioners must eventually yield to local interests on this point; and then, if the appointments are entrusted to the government, it may be expected that co-operation in that quarter will be secured. If the two interests shall thus unite, the Bill may go on. Another scramble will then ensue for some hundred good places.

Notice was omitted in its proper place, of the 'Assize Removal Bill';—for which the public is indebted to the zeal and perseverance of Mr. Ewart, and years of toil on the part of the people of Norfolk. But here the government, in their part of the work, have no merit to claim. The Bill remains a dead letter hitherto. As far as can be learned, nothing has been done to carry it into effect.

Considerable doubt, as to the business-like conduct, if not as to the good faith of the government on these points, arises again from the course of their proceeding on another most important point, the 'Imprisonment for Debt Bill.' If this Bill be in earnest the object of their attention and good wishes, why bring it in last Session so late and so crudely fashioned that it could not pass? Is it possible that the House of Commons should be satisfied with the excuse, that the House of Lords having thrown out the Chancellor's Local Courts Bill, the intended machinery for the Debt Bill had

failed? Either this excuse was a fraud, or there was something very like one in the assurance given in the Lords and on the face of the Local Courts Bill itself, that those Courts were only to be applied experimentally to two or three districts. If that assurance was true, the Local Courts Bill would not furnish machinery for the Debts Bill, which was to be general and to come at once into action. One or other of the statements, therefore, was fallacious. The course of proceeding in this matter in the pending Session is equally evasive and unsatisfactory.

The production, at the last moment, of the 'Municipal Corporations Bill,' seems another proceeding only explicable on the supposition that it was either brought forward as a mere flash, or as a feeler to ascertain how little of popular control in corporations the people would bear. It is difficult, in any other way, to understand the course pursued; seeing that the government plan,—if really meant to be the one adopted,—is put forth before the result is known of the Commissioners inquiries, which it might have been supposed were meant to ascertain facts on which to form a proper judgment as to the sort of provisions necessary to secure the due objects of municipal government. To rake up old abuses, which after all nothing but popular institutions can remedy, and all of which such institutions would at once remedy, seems hardly an object of sufficient consequence to act upon alone. The abuses, and the defective and divers systems of mismanagement out of which they arise, are quite well enough known to warrant direct legislation; but if they were not, and facts were wanted to found a good system upon, why send out the government plan first and inquire afterwards? The settlement of a proper corporation system appears to be as purely a legislative question as could well be met with. There can be no doubt but the young gentlemen Commissioners, (the political spirit of whose appointment is certainly better; as being more decided, than usual), with the assistance of their Secretary, whose experience and habits in his branch of the profession fit him for more efficient work than any half dozen of the board, will dish up as interesting a feast of abuses as can be desired by the most craving appetite; but after all, the enduring important question is what system of government will prevent the recurrence of such eye-sores. The Government plan will go very little way towards it; and it is to be hoped that the Commissioners will accordingly report upon it among the rest. Supposing the existence of a Common Council Chamber elected at all by any tolerable share of the people, (and

no Government could venture to refuse this), what worse could any where be done, than to give the election only to 10*l*. householders, who in some boroughs will hardly form a constituency much larger than the Common Council;—to add a Court of Aldermen, elected for life, and neither by nor out of the people, (the very change which destroyed the liberties of the Roman cities);—and to give the choice of the law officer to the Crown.

Only try this plan, of legislating first and inquiring afterwards, by one instance. The London people—who already have a charter far more liberal than the one the Whigs offered—say that almost all the good of it is neutralized, by the circumstance that the aldermen, though elected by and out of the people, are, by being chosen for life, placed above control. Suppose the Commissioners report this complaint to be well founded; and there is then a singular commentary on the scheme of creating a state of things ten times worse.

The transferring the Recordership to the Crown,—another scheme arising, there can be no doubt, out of manœuvres to help Lord Brougham's Local Courts Bill—should be most earnestly resisted, as a fresh attempt to grasp patronage for the executive. Why should not the people have the election, as before, of their officers? If they have gone amiss, the probability is that it was owing to defective institutions, which should now be remedied; and if they are occasionally indiscreet, will the matter be mended by making a job for the Chancellor? Are former Chancellors—are even the present's—appointments so correct, so supported by public and professional opinion, as to make an extension of them a cure for all evils?

But what, every one else asks, is become of this municipal scheme in the present Session? If ready in the preceding, why not now? If a report is discovered to be first necessary, where is that report? What are the Commissioners about?

This short retrospect of the progress of legal reform will be concluded by some observations more particularly directed to the subject of patronage. And here it must be premised, that against any improper creation or application of patronage, no credit will be allowed by way of set-off, for the abolition of sundry minor preferences, or even of the patent places, seeing that no man of common honesty could maintain them. Patronage of this sort moreover, was of comparatively little political import. The places were of the nature of pecuniary and personal gratifications for the relatives and connexions of the authorities dispensing them; they in fact formed their salary or compensation. The reverse is the case with the accumulation of active

employments, which must be widely distributed, and which will be aimed at through political channels.

The present is a peculiarly important period for weighing well what our rulers are about in this respect. The English bar has hitherto occupied a very important station, both socially and politically. From its ranks have arisen the most influential popular and literary leaders. Rightly or wrongly, the mere fact of being called to the bar is, without any further examination, considered a qualification for almost any legal employment. This body has hitherto been almost altogether concentrated in town, and thus powerfully controlled by emulation and constant public observation. Considering the extent of the body, the quantum of employment to be earned by political intrigue has not hitherto been exorbitant, as the great prizes must be aimed at only through very considerable proficiency, and the disposition of most of the rest was directed by personal rather than public reasons. The old Commissionerships of Bankruptcy formed the most numerous class of minor gratifications; but they were small in amount, and went chiefly to the scions of the aristocracy as a sort of pocket money, to personal connexions of the Chancellor, or to working men as mere introductions to general practice. They were not of sufficient value to purchase any very important subserviencies.

It cannot be concealed that the effect of many of the pending measures of judicial reform, will soon effectually alter the position and character of the bar. It must be much more dispersed into country residencies; and the station of those in town must also be lowered. All this the public must be prepared for; seeing it to be the necessary consequence of some of the important measures contemplated. But it becomes of great consequence to consider whether at the same time the facilities should be increased for subduing and reducing to tame subservency this body, already about to be weakened in its tone. It would be far more politic to increase the habit of looking to the community, and not the executive, as the judges and rewarders of talent and good conduct.

The awkward shifts resorted to, in order to vary and qualify the disposition of this increasing patronage, serve well enough to prove that our rulers are aware of the evil, but furnish no adequate remedy for it. Thus, as in the case of the revising barristers under the Reform Act, recourse is had at one time to the judges of assize, a most objectionable scheme, which puts all the bar on the circuit in a direct dependence on the judge they attend. In another case, the Justice of the Common Pleas is so brought forward. At another time the Judges make lists, out of which the Chancellor selects.

Another pleasant contrivance was much lauded last Session;—that of transferring Masterships in Chancery from the direct appointment of the Chancellor, to that of His Majesty under the Chancellor's nomination or recommendation. What a farce is this to impose upon the legislature! What an admission that our Chancellors have let their consciences draw a distinction between the direct duty of recommending fit officers, and the discharge of the equally binding duty of honestly acting on a trust confided to them for public benefit, not for their own or their friends gratification!

But does any one believe that this change of form will make any real difference? Does Lord Brougham mean to say, that after this change, he will not make such Masters as he has hitherto done? And what is the fact as to his and his predecessor's appointments to offices which are and have been under the circumstances now given to Masterships? Are they better administered? Let those speak who have watched how Judgeships have been filled;—how even in these days the Bankruptcy Judges, for instance, were selected, and what the voice of the profession was on the subject.

For the administration of such appointments as it is absolutely necessary to leave with the executive,—and their number might be fairly much reduced, instead of increased—it would be far better to have a responsible public board. No one man can have either time or means for selecting the men best qualified for public service. Men of independent spirit, moreover, would scruple no more than soldiers or sailors do, the placing their names on any public list as competitors for active employment; though they now shrink from applying to an individual, because all intercourse of the sort assumes more or less the form of courting personal favour. The result of the existing system is that servility, toadyism, and mediocrity of talent, have been always (and probably will be still) the best, at least the surest, passports to success. How also is it possible to account for the odd appointments seen every day? As a present example, how can it escape astonishment that no better jurists or philosophers could be found, to whom to intrust the work of Romilly, Bentham, Macintosh (not to mention the illustrious jurists of the continent), than certain conveyancers and special pleaders, whose names may be seen quoted, but whose qualifications for such a weighty task are unfortunately a secret to every one.

An approximation will be hazarded, to a calculation of the amount of legal patronage already created or in progress. The operation will be confined to the bar only; but it must not be

forgotten, that the formation of the bankruptcy lists, the prospect of places connected with Local Courts (on Lord Brougham's plan) and with the Registration of Deeds (if localized),—the appointments under the Fines and Recoveries Act, &c. &c. have opened a field of patronage before quite unknown; and that the country attorneys, as well as the bar, are all alive, canvassing and toadying in their way for preferment also. Considering the weight of this body (especially in election matters) the forging this chain for them is no small political advantage to a government.

Referring to the official Somerset House list of barristers, the registered number of *effective* men seems to be somewhere about one thousand. Examine then the number of *new* places—besides all the old—opened for this limited number; bearing in mind too that, besides the successful occupant, there is always a large body influenced by the expectations the places create.

1. There is a fluctuating body of Commissionerships of various sorts, some of them varying from 1,000*l.* to 1,500*l.* a-year. These are now so frequently occurring, that they may be reckoned a standing amount of patronage; the more influential, because, many of them being short-lived, more persons can be obliged, and more, of course, kept in expectation. There are now many more than fifty persons engaged; but it will be under the mark to reckon full fifty effective constant preferments.

2. The Bankruptcy-court affords four Judgeships, six Commissionerships, and a number of Registrarships which, as applicable to the bar, cannot be exactly defined; because it is not known how low the bar will stoop from what is called the advocate's dignity, to take purely ministerial or mechanical offices. The places seem *good* enough, as at least one serjeant-at-law and one barrister are now in possession of them. Twelve first-rate places may at least be reckoned on this score.

3. The extent of patronage in Judgeships, on Lord Brougham's Local Court scheme, may be taken to be at least one for each county of England and Wales, as some must have more than one; but say fifty in all, of first-rate places. There are also the Registrarships, and probably they will be made good enough for the bar also. If so, there are at least fifty more offices of this sort.

4. If the Registration-bill passes on the Commissioners plan, it will probably employ only two or three hands. If localized, there must be full fifty here also.

5. The 'Imprisonment for Debt Bill' was, it has been asserted, to be worked by the local court machinery; if, contrary to usual practice, this is effected, it will still add

considerably to the number, as the Judges must have smaller districts in consequence. At least ten more must be reckoned.

6. The country-barrister Commissionerships are, it is understood, to have their functions and emoluments further increased by giving them a monopoly of other branches of practice now open. It is impossible to define exactly either the number or emoluments of these places. Full three for each county, on an average, may probably be taken.

7. We are threatened with having the Recorderships of cities and boroughs given to the crown. At present this is only announced as to the new parliamentary boroughs; but uniformity will no doubt (and reasonably) be next pleaded, as requiring the same with regard to the old. Something is said of duplicating their functions with those of local Judges; but it may be doubted whether this is practicable. There will be probably full one hundred good Recorderships, and the reader may deduct as he pleases from this in respect of probable duplications.

8. The Reform Bill has opened a great number of appointments, not large in value, but exceedingly acceptable to the junior practitioners, whose chamber expenses they seem at least likely to pay. A return to the House of Commons which is in existence, shows the number of gentlemen employed from this source, and the amount of some thousands paid them for time and expenses; the latter being nearly pure gain, as they must otherwise have spent their vacations at their own cost. It is easy to conceive what direct control these yearly renewing places give to the Judges over the whole bar of the circuit.

The reader may sum up this rough calculation, and compare it with the body on whom it operates. There seems already a quite sufficient fund created and in prospect, to command every individual whom a government may wish to control.

On the general subject of Law Reform, little symptom has hitherto appeared of any consistent or well digested plan of operations being adopted or contemplated by any one. Little is to be seen besides insulated attempts without plan or connexion, and bills conducted in the most unbusiness-like manner, so as to pass in a state which even their promoters disavow, and often owing even their partial success to the caprice of individuals. This will probably continue to be the case, unless the more rational plan of the Americans can be adopted, of entrusting a subject when it is admitted to require amendments, to one or a very limited number of competent individuals; for the purpose, not of publishing folio volumes and making suggestions which no one acts upon, but of at once preparing and

submitting Bills to Parliament; attending to their progress, and continuing their labour afterwards to the promulgation and explanation of the new law.

The almost entire cessation of any effective progress during the present Session, gives no hope of amendment. One bill now in progress looks very like a job, and is rather an amusing instance of the *consistency* of our operations, in the way of legal reform. The legislature has just abolished the Welsh and one of the Palatinate Courts; yet it is, this Session, nursing up that of the Duchy of Lancaster,—a local court without any local advantages, (its Judges being constantly 250 miles off); and so little likely to be resorted to if left to itself, that the Upper Courts are actually restrained by heavy fees,—operating as a bounty in favour of the ineffective Duchy Court,—from even coming in competition with it.

ART. VIII.—*DELLA FELICITÀ CHE GL' ITALIANI POSSONO E DEBBONO DAL GOVERNO AUSTRIACO PROVACCIARSI; col Piano di un' Associazione per tutta Italia, avente per oggetto la Diffusione della pura Lingua Italiana, e la contemporanea Soppressione de' Dialetti che si parlano ne' varj paesi della Penisola. Si fa altresì cenno in questo Piano della inelegante e goffa maniera d'indirizzare il discorso a qualcuno in terza persona così scrivendo, come parlando, la qual maniera si dovrebbe, generalizzandosi il Voi, abolirsi affatto.*—Del Conte Ferdinando Dal Pozzo, già Referendario nel Consiglio di Stato di Napoleone, e priimo Presidente della Corte imperiale di Genova. IL GIUSTO, IL VER, LA LIBERTÀ SOSPIRO.—Parigi. Presso Ab. Cherbulle, librajo, Rue de Seine Saint-Germain, No: 37. 8vo. pp. 184: 1833.

THE Pamphlet which commences with the above strange title-page (well worth copying entire, from its incipient paradox in *large* to its concluding rigmärkle in *little* capitals), must have been printed and partially circulated early in the last summer, for it formed the subject of a letter which appeared in an 'Examiner' newspaper of September, and which though written with almost an Englishman's command of his own language, displayed too strongly the feelings of an indignant Italian, to admit doubt of its proceeding from a fellow-countryman of Count Dal Pozzo. This singular book has been since published, and favourably reviewed in the last No. of the Foreign Quarterly.

The Author of the letter in the 'Examiner' states, that he had only seen a portion of Count Dal Pozzo's work, and that all his attempts to obtain a copy had been in vain. To this,

perhaps, was owing the unintentional injustice with which he treated the author; having taken as a serious panegyric on Austria, one of the bitterest satires which even Italy has produced. Volumes have been occupied in discussing whether the 'Principe' of Machiavelli was sarcastic or serious. A few pages may be well employed in investigating the meaning of this other eminent Italian statesman and author, the 'Conte Ferdinando Dal Pozzo, già Referendario nel Consiglio di Stato di Napoleone, e primo Presidente della Corte imperiale di Genova.'

Mr. Dal Pozzo does not at once assume the mask of sarcasm, but in the first words of his address 'to the benevolent and impartial reader,' observes in sober seriousness,—

'The important motto which I have assumed, and which you see at the bottom of the title-page; will perhaps seem to you, dear reader, to form a striking contrast with the title of this book, which from the top of the page meets your eyes, which are perhaps already turned in anger upon the poor author whose name is placed in the middle.'

After thus guarding against the possibility of his subsequent irony being understood literally, Mr. Dal Pozzo abandons himself to a vein of bitter sportiveness; throughout the rest of the work, there is not a page; which, though taken seriously it would equally disgrace the head and heart of its author, does not, when the sarcasm is rightly understood; evince striking powers of patriotic causticity.

The most successful of his translated hits at Austria, will be printed in Italics, a distinction which is not given to them in the original, probably from an idea that any apparent consciousness of the joke would impair the dry bitter humour of this prolonged *persiflage*. Almost immediately after the protest against being understood seriously which has been quoted, Mr. Dal Pozzo begins with the following whimsical caricature of a *non sequitur*, addressed to 'the benevolent reader.'

'If you are really *benevolent*, you will be just and *impartial* and in that case I flatter myself I shall meet with *fitavour* in your verdict. For a certainty you will remain convinced, that I had no other object than that of warding off from Italy many evils, and doing some good, aye much good, to her inhabitants,' &c.

'Filicaja thus pathetically addressed Italy, "O, wert thou but less beautiful or more strong." Austria alone, I tell her now, can make thee both one and the other in the highest degree, to wit most beautiful and most strong. Every thing depends on the government and the governed mutually loving each other.'

Sarcastic President!

After this political exordium to Italy, Mr. Dal Pozzo in his first of forty chapters, thus addresses her sons with plainer prose.

'To conciliate the favour of Italian liberals, *that they at least may not read these pages with distrust*, I must, besides defending myself from the vague stain of being a partisan of Austria, tell them, that I too always exhibited myself as a friend to liberty, a praiser of constitutional governments, &c.—p. 3.

Mr. Dal Pozzo need not tell the liberals this; they have not forgotten it. A little further on, he adds,—

'And besides writings, I could quote deeds, *aye daring deeds*, to prove my love of country, and liberty, and constitutional government, *if this was the place to expose at length what took place [esporre in disteso ciò che succedette]* in the very short period that constitutional government lasted in Piedmont in 1821; during which I exercised the functions of Minister for Internal Affairs.'

The first chapter concludes thus;—

'After having said, then, and proved to my readers—those, I mean, of common fairness—that I never was a *partisan of Austria*, and that I always was a friend of liberty and constitutional governments, I undertake to discuss *the happiness that the Italians may and ought to compass for themselves [procacciarsi] from the Austrian government.*'

The second chapter headed with—'Piedmont ought to remain what it is, an independent state,'—is composed of five insipid pages, pretending to be reasons in support of that unopposed truism. The influential reason might be stated more shortly thus;—'and Mr. Dal Pozzo become what he was, an independent Judge.'

Chapter III occupies scarcely a single page, as it contains only—'The objections of many Italians to the government of Austria.' According to the President, who has evidently a talent for compression, they are three.—

'In the first place they say,' [the paradoxical grumblers,] 'that Italy should be *one*.'

'Secondly; That Austria has no reason for holding dominion in Italy, because the Italians have a right to have a national government.'

'Thirdly; That the Austrians are foreigners and barbarians, and as such should be expelled from Italy.'

On these seeming truisms, Mr. Dal Pozzo observes,—

'Not only is it easy to confute these very ill-founded objections and their ramifications [*rampolli*], but their *confutation* will lead us, I hope, to the *demonstration* of some truths as unshaken as they are important. One of these, and the principal, is, that Italy cannot hope for solid and lasting happiness—(and to possess happiness certainly a good *dose* of liberty is necessary),—except by means of the

Austrian government. The second, which will appear more remote, but will not be less incontestible, is, that through this happiness of Italy, *much* happiness and liberty will accrue to Europe and to the whole world, if the liberals of Italy proceed with judgment, and in a spirit of union among themselves, of *submission* and *affection* towards that government which alone can protect them, and alone can render their country prosperous and flourishing.'

Chapter IV is 'On the almost incurable propensity of the Italians to political disunion;' owing, says Mr. Dal Pozzo, 'to the shape of Italy, which presents great length with small proportional breadth.' This fact, though unusually correct, hardly warrants the author's deduction of a rigid necessity for eternal disunion. The southern and narrow section of Italy has remained always under the Neapolitan sceptre; the northern and broader has split into many small states, fluctuating between republicanism and monarchy, but never further united than as separate possessions of the same family, and still forming some of those duchies whose names it is needless to recapitulate, as Mr. Dal Pozzo in the next chapter does those of ancient Greece, Switzerland, and Germany, thus ingeniously ridiculing the scribbling statesmen whose manual is the *Gazetteer*. It is a pity that in the course of this happy persiflage he was not led to cast his eyes on some children's geography book, where he would have seen that, as Italy has a length of 700 and breadth of 350 miles, so Great Britain is not quite 600 long by about half that breadth; that the 21,800 square miles which form the joint area of Sardinia and Sicily being allowed to pair off with the area, whether of thirty or twenty-seven thousand square miles, of Ireland, the Italian Peninsula, its roots included, will have eighty-five thousand three hundred, and Britain eighty-seven thousand five hundred square miles; and that their respective length and breadth approximating, though not so closely, there ought to be little less geographical difficulty in the union of Italy than in that of Great Britain. The amount of population too, harmonizes in a curious degree; for, to take the most moderate estimates, all Italy has nineteen, and the United Kingdom twenty-one millions; so closely can a greater facility of fuel balance a sum-total of inferiority as to climate, and even soil. Excluding, on the one hand, the two millions two hundred thousand inhabitants of Sardinia and Sicily, and on the other, the seven millions for Ireland, and allowing the evils of a delegated government to be equal in either case, it may be inferred (not demonstrated, as the positive President says) that union has been a main cause of England's prosperity, and is a great desideratum for Italy,—a blessing ren-

dered; perhaps, nearly hopeless for the present by political difficulties, but whose geographical impossibility will not be proved by '*opuscoli politico-geografici*' such as these.

The Fifth Chapter concludes thus ;—

'This division of Italy, which is so deplored by some, was the source of a greater civilization, and a greater prosperity, than would have existed if Italy had been one.'

Undoubtedly small states make good nurseries for civilization ; but it is by throwing these gardens into one large farm that the greatest produce is ultimately obtained.

A much stronger argument against the geographical impossibility of a united Italy may be deduced from the example of Norway ; a narrow border curling completely round the west and north of Sweden ; with a length of fourteen hundred miles, —twice that of Italy,—and an area of 161,000 square miles, not doubling that of the Italian Peninsula. Such is the consequence, of its being far more guilty than Italy, of Mr. Dal Pozzo's freedom-forbidding *grande lunghezza con poca larghezza relativa*. Norway and Italy present on a coloured map somewhat the appearance of clubs, the knob of one turned to the south, and that of the other to the north-west ; but though Finmark represents a broader handle than Calabria, Norway during half of its length has not one-third of the Peninsula's breadth. Yet since the Union of its principalities in the ninth century, the kingdom of Norway has never split into fragments ; it has never even momentarily parted in two. In 1812 Sweden was enlisted into the anti-Napoleon confederation by the bribe of Norway ; and Denmark was *indemnified* for this enormous kingdom by a bit of Pomerania and Rugen, which she was forced to commute with Prussia for a parish, ludicrously called the county of Lauenburg. The outrage excited indignation even among the peaceful Norwegians. The cheat produced resistance even from the helpless Danes. Every generous and manly feeling prompted resistance among the Norwegians ;—every calculation of odds suggested submission. Then was the moment for a country geographically unfitted for unity, to have split in two.* Yet when Christian Frederic was chosen first Régent and then King, Norway seemed to vote and act as one man.

While Mr. Dal Pozzo was enriching his work from maps, he should have cast his eyes on that of Portugal, and he would have there found a strong argument against his doctrine that a considerable excess of length over breadth unfits a country for unity. He would have seen in Portugal an oblong of three to one,—350

miles by 120. Yet from the thirteenth century, when Henry of Burgundy, on expelling the Moors from their last southern holds, assumed the title of King,—never, even when conquered or revolutionized, has there been the slightest tendency in Portugal to separate into two states north and south of the Douro, notwithstanding the great superiority in industry and civilization of one part over the other. In considering the question of Italy's unfitness for unity on account of its configuration, it is natural to contrast with the homogeneity of Portugal the individuality of the Spanish provinces. Spain, like Portugal, was invaded by the Moors as early as the eighth century; yet she did not finally expel them till nearly the end of the fifteenth; while in Portugal they had been completely deprived of power before the middle of the thirteenth. After Portugal has been cut out of its western side, and after its south-eastern corner has been well rounded off, Spain may be considered as a square; yet at this moment there is less centralization there than in the oblong of Portugal.

The Sixth Chapter, of which the subject is thus stated,—
'The Austrian government is as legitimate with respect to the Italian provinces that it possesses, as any government whatever can be,—begins in this auspicious manner;—

'I shall certainly not waste my time in confuting the opinion of those; who maintain that Austria has no right to dominion in Italy. It is so erroneous, that all must wonder how it could exist among men of fair understanding and knowledge. The origin of almost all governments is victory or conquest. The right of hereditary succession reverts mostly to such a source; for how otherwise could the right of succession ever have been introduced?'

The first clause of the ironical author is a caricature of those who mistake vehement re-assertion for argument. The dignity attached to conquest in the second, is a capital hit at Austria's pacific method of *conquering* Venice.

The Seventh Chapter has this ludicrously ironical programme.

'The Italians of the Austrian provinces owe, from both duty and interest, fidelity, obedience, and love to the Austrian government.'

Of those discontented with the Austrian dominion, the President says;—

'The worst evil is, that they are in great number; let us, if we can, place in the strongest light their offence. It is madness, alike in individuals and in nations, not to submit to the necessity of things; the rules of prudence and of morality for both being the same.'

Mr. Dal Pozzo thus wittily assimilates the allegiance of Austria's Italian subjects to the moral duty of cheerfully yield-

ing up your purse to a foot-pad. He is however here too hard upon the Emperor, who for the Venetian half at least of his Lombard kingdom, cannot be convicted of being anything more desperate than a receiver of stolen goods. A few lines further on, this politico-legal Piedmontese 'Mr. Coupler' says of the conjugal love due to the Emperor from *la bella Italia*,—

'I know, that it is commonly said, we cannot command love, yet God *has* commanded it.'

Mr. Dal Pozzo's turn for jest leads him here into unconscious blasphemy; like the methodist who let out a rip of a horse.—'Sir,' said the angry hirer, 'your horse was not made to move beyond two miles an hour.' 'He was made as God pleased,' replied the other.

In the next Chapter, Mr. Dal Pozzo resumes thus; 'Though I have not exhausted my subject, this is a most fit opportunity for doing so;' and in its second page he states that the Italian liberals 'confounding ancient with modern Italy, the sciences and arts of peace with those of war, *which last alone really decide a nation's political destiny*, build themselves castles in the air, compose eloquent prose and sublime poetry, and thus is fancifully created an Italy which never did and never will exist.' How admirably sarcastic a reflexion on Austria is the paradox marked with Italics. Certainly those Masters-of-Arts the Tyrolese riflemen have a far higher influence on 'political destiny' than our Peers and Commons; printing-presses, steam engines, and rail-roads, are trumpery sources of distinction compared with drills and drums; but amplification will only weaken the happy irony of this Piedmontese patriot, which he throws off instantly like a mask, and reveals the manly features of his real opinion in these glowing words: 'And now, for this beauteous country, thus favoured by gifts from nature, is preparing misery and servitude, which the Italians might avoid, or at all events sweeten, if they knew how, like wise men, to accommodate themselves to the present state of things.'

The commencement of the Ninth Chapter announces a whimsical item in the ironical catalogue of the Italians love-debts to Austria. 'Its unescapable necessity [*inscampabile*];—which I conscientiously deem great good luck for them, and by-and-by I will tell my reasons, but at present it will be enough for my object, if they will be convinced of the truth of this assertion.'

The ninth Chapter having proved the impossibility of expelling the Austrian government, the tenth, by a logical consequence, is occupied in supposing the Italians to *have* succeeded; and in examining the probability of the Austrians getting back, the

Ex-President, sinking here from lofty sarcasm into waggery, instances the recorded success of the Stuarts, and the future triumphs of the Duchess of Berry, as proofs that if the Austrians were once excluded from Italy, they inevitably would soon return. But in closing the chapter, he resumes his habitual tone of bitter and impassioned sarcasm: 'With Austria, rendered yet more liberal than she is by the spirit and love of the Italians, this Italy might rise so high as to command the whole world, and render its inhabitants the happiest of men; while Italy parted from Austria, would never be anything but a weakly and wavering state' [in population and area, identical only with the British Isles!]'—'A man must be wholly blind not to see so radiant a truth.'

But to proceed with so radiant a reasoner.—Chapter XI. is entitled 'Greater resemblance between Italy and Germany, than between Italy and France;' and affects to deduce this from the terms German and Italian Tyrol, Austrian and Venetian Friuli, Istria, and Dalmatia, and from the borderers speaking both languages. The point of the ridicule, lies in another solution of the fact being obvious, that Italy is bordered by Austria for a longer distance than she is by France. Assuming that converse of the *ὀξύμωρον*, silliness affecting sagacity, Mr. Dal Pozzo says in the middle of this chapter;—

'Since my argument,' as he fondly terms his sayings, 'gives me an opportunity, the following observation too, is a very curious one. Perhaps there are not two sovereign dynasties in Europe, in which mutual marriages have been more frequent than among the Bourbons of France and the princes of Savoy. Notwithstanding this, down from the fifteenth century, the former have always been trying to strip the latter of their states, aye to strip them completely. . . . From Germany on the contrary, the princes of Savoy generally obtained aggrandizement and assistance.'

The observation would be curious, if it proceeded from a serious, not an ironical reasoner. Marriages have seldom stood much in the way of ambition, and therefore not much in the case of Savoy, which was more tempting, because more handy, to France than to Germany. Mr. Dal Pozzo deduces from this a doctrine which sounds more Irish than Piedmontese. 'The policy of the princes of Savoy is to preserve a perfect independence; to lean towards France if Austria tries to oppress and lord it over them, of which there have not been many examples; and to keep Austria a friend, in order to be protected, against the ambitious views which France always &c.' Thus at Donnybrook-fair, Paddy would talk of walking alone, supported alternately by his right

and left-hand neighbours. A little below is said, 'It is a certain fact that before the French Revolution, which drew after it the union of the greater part of Piedmont with France,' [and thus a tolerably long community of usages, laws, and language]—'before that time, I say, a Frenchman was considered as much a stranger in Piedmont as a German; and the two languages, French and German, were nearly equally unknown to the mass of the population.'

Of course; but did not these few years of union with France, introduce French into Piedmont more generally than centuries had done the German into Lombardy? and does not Italian resemble Provençal more than German?

Chapter the Twelfth, on the 'Illusions of many Italians,' consists of one page, whose first paragraph states that—

'Some of the Italians, by dint of declaiming and writing, seriously formed a project for Austria's exchanging the Italian provinces which she possesses,—that is, the most rich and beautiful jewels which gem her crown,—for some Turkish territories bordering her dominions on the other side; that is to say, Croatia, Bosnia, and Servia. It is clear that no government submits to such a condition unless compelled by force. If the existing Ottoman empire falls to pieces, Austria will perhaps get part of the Turkish provinces without any exchange.'

In the division of the Turkish empire there must be assenters as well as assistants. Croatia, Bosnia, and Servia, would be an inadequate indemnity to Austria for relinquishing Lombardy, on which, according to national law, she has a claim derived from conquest; their greater area not compensating their inferior wealth. But it might be made up by the addition of Wallachia, which would give her the command of the Danube,—an active multiplier upon the inert multiplicand of her cumbrous Hungarian produce. She has no right to claim indemnity for Venice, which she did not conquer, but accepted from the robber, most of whose plunder was finally restored to the owners.

The Piedmontese patriot, in his next sentence, exchanges irony for angry invective.—

'But their illusion was greater still in 1814, when a deputation of Milanese proceeded to Paris, and fondly hoped to obtain from the Emperor Francis, the unbribed concession of freedom and independence; a thing which no victorious prince ever did, or ever will do.'

Here Mr. Dal Pozzo, most miso-barbaric as he is, and a bigoted hater of kings, suffers his Italian feelings to make him unjust.

There have been some, though but few sovereigns, who granted liberty without being either bribed or bullied into concession. Nor is it fair to intimate that the Emperor Francis considered himself as victorious over his Lombards. The language of the Allies, was that they had delivered Lombardy from the French yoke; and Francis entertained, of course, yet more paternal feelings towards his reclaimed children.

The Thirteenth Chapter, in the course of three pages, sarcastically enumerates other dense illusions of Italian Liberals.—‘When the Neapolitan Parliament, after the revolution of 1820, was so credulous as to fancy that King Ferdinand going to Laybach, would harangue for the maintenance of the Neapolitan Constitution;—thus vindictively aggravating the memory of a despot’s perfidy, by the contrast of the patriotic party’s generous confidence. And, in the last page;—

‘The Emperor Alexander got it insinuated to the Piedmontese to submit on certain conditions. ... The hotter liberals refused such terms. Marentini, then President of the Giunta, together with the author of these observations, who had negotiated with the Russian minister Mocenigo, and ought to have convinced themselves, as indeed they were convinced, of the sincerity of the proposals, passed with these men for traitors to their country.’

That these perverse people should have distrusted the magnanimous Alexander, can only be accounted for, as the scalded child dreads cold water, by their having recently been mistaken in Ferdinand; but that they should have called Dal Pozzo a traitor, must have been a joke like his book. The calumniated negotiator pretends jauntily to sum up the ruin of those friends to whom in reality he adhered with such foud fidelity. ‘Thus from one end of Italy to the other, no proof was given of either great courage or much political sense, still less of any spirit of union and concord. Would at least, that such experience had produced, or was going to produce some fruit!’

The next Chapter, being the 14th, has a title which must be given entire.—

‘Modest notions, which, in order to serve their country really, the Italian liberals ought to have.—Germany is in studies and arts a most cultivated country, not omitting Austria and particularly Vienna.’

and begins with unconscious propriety thus;—

‘Why have I pushed forward before the eyes of my countrymen these miserable affairs? [*queste miserande cose.*] Am I hostile to Italy and the Italians? Certainly not. The love of Italy, as I protested in the beginning, put the pen into my hand, and this love incessantly fires me.

It is in fact only humanity to throw cold water on Mr. Dal Pozzo ;—

'My liberal compatriots must leave off continually preaching up Italian valour, the unity of Italy, and treating as strangers fellow-subjects, and as barbarians the individuals of a nation as civilized and learned, if not more so, than Italy ; and such by the agreement of all is Germany.'

This perpetual confusion of Germany with Austria must be more seriously examined. Like the phrase 'agricultural interest' applied in the Corn Law discussion to occupants rather than owners of the soil, it is a begging of the question, and after being long a fraud, is now becoming a folly. Both are webs of sophistry at once coarse and flimsy.

The Holy Roman Empire ended in 1806, and with it the claims of Germany over the north of Italy ; which, if they still existed, should in consistency be extended to the entire Peninsula. Both the character and the claim of the Austrian empire are distinct from those of Germany. Of the former, Mr. Dal Pozzo proceeds to speak thus :—

'I know that some think Austria inferior to the other parts of Germany ; but if there is any truth in this assertion, which I neither admit nor deny, not being sufficiently informed about it ; but desiring and intending, if God gives me life, to verify the fact on the spot ; if there is, I say, any truth in this, it is very much exaggerated.'

The Austrians will not gain much by this qualified voucher, whatever they may by the less limited visit:

'However, no one denies that the capital of Austria, Vienna, is most flourishing in every sort of cultivation, as far as it is possible for it to be any where carried ; hence it is impossible that this light and civilization should not spread over the Austrian provinces. If we speak of the higher sciences, there taught at Vienna Müller of Montreal, called also Regiomontanus, a celebrated mathematician of the fifteenth century. Where but about the Emperor of Austria, flourished Kepler and Tycho Brahe ?'

Mr. Dal Pozzo is as ironical upon science as upon government.

The next Chapter is surmounted by this bill of fare :—
'What the Empress Maria Theresa did to free and support the sovereign civil authority against ecclesiastical invasions, and against feodality ; how she favoured literary property and popular instruction ; abolished torture.'

Here begins the bitterest part of Mr. Dal Pozzo's assault upon the Emperor Francis, in thus contrasting him with former Austrian sovereigns. The tartness of his plea-

santry will be more keenly tasted by collating the evidence produced in the kindred, though not ironical work of Henri Misley, with Mr. Dal Pozzo's eulogiums upon the past.

On the protection due to literature, Mr. Dal Pozzo says; 'Maria Theresa was, I believe, the first to introduce a sort of literary property.'

His co-labourer Henri Misley states, in page 19 (Article 17) of his 'L' Italie sous la domination Autrichienne;—

'When a book has been published with the approbation of the censorship, the Austrian police can seize (and it has done so several times) all the copies, without offering to the editor or the proprietor the slightest indemnity. Thus, for instance, a translation of the work of Sismondi on the Italian Republics had been during six years in circulation, when His Majesty took a fancy to prohibit it, and to take from the editor, Emilio Justi, the value of about 60,000 francs. His Majesty did as much by about a hundred other similar works, printed according to the forms appointed by law; for instance, the fourth volume of the History of Milan, by Count Peter Verri; the "Biblioteca Domestica;" the pamphlet of the Advocate Bena, on "The Present Fall in the price of Corn," printed with official approbation at Vienna in 1826, and prohibited at Milan in 1827, &c.'

To proceed with Dal Pozzo.—

'In 1776, the same immortal sovereign abolished the use of torture in the kingdoms of Hungary, Bohemia, in Austria, the Tyrol, &c. Maria Theresa occupied herself very much with public instruction, particularly that of the common people. In 1774 and 1778 she made various regulations concerning the schools. She divided them into three classes, normal schools, &c.'

To follow up the system of illustration,—Misley says in his 83rd page and 105th article;—'The Austrian government has proscribed mutual instruction, and declared those who at their own expense had established it in Milan, Brescia, and Mantua, guilty of rebellion.'

Chapter XVI sings the praises of Joseph II on schools. His legislation is described as being equally tender-hearted and vigilant.—

'While in England and in various other parts of Europe, it was very usual to beat boys as a chastisement, look at the punishments prescribed in Austria. "As a punishment for faults," says the regulation of 1783, "or a reward for good conduct, use shall be made of reproofs in public, or of praises respectively, and in every class there shall be a book destined to discredit, and another to honour; and for the greater humiliation of the guilty, there shall be assigned to them a spot separated from the others."

This must be what is known among us by the designation
VOL. XXI.—*Westminster Review*, K

of dunce's corner. His Imperial and Royal Majesty specifies nothing as to the dimensions of the fool's cap; but of the minuteness of his legislation, the following is a brilliant specimen.—

'Forasmuch as bodily cleanliness and tidiness in dress form a part of exterior decorum, therefore the scholars, before their appearance in school, shall have their hair combed, their hands and face washed, and their clothes and shoes brushed. Those too shall suffer the same chastisement who shall dirty the school-room or benches, with ink, shreds of paper, or anything else. But should any one with malice prepense, spot the waistcoats of his companions with ink, he shall instantly go into the place aforesaid, &c.'

Chapter XVII is headed 'Continuation of the same argument.' Chapter XVIII announces itself as 'Liberal Thoughts and Institutions of Joseph the Second.' It begins thus;—

'On the 31st of May 1782, Joseph II proclaimed a free trade in all books, both domestic and foreign, "forasmuch (so said the order published for this purpose) as by such freedom the public has the advantage of a more extensive choice and smaller price of works; literature obtains more and better editions, and commerce the advantage of interchange, and generally the means of compassing its own maintenance."

Mr. Dal Pozzo appears, according to the general scheme of his work, to have inserted this liberal decree of Joseph II in order to mark the contrast afforded by the recent proceedings of Francis, for which purpose it will be advisable to quote them from Misley's work.—

'All foreign books printed since 1820, and introduced into the Lombardo-Venetian kingdom, must, even though they treat of mathematics, be sent to Vienna, to obtain a permit of circulation.'—*L'Italie sous les Autrichiens*. p. 84. § 109.

'It is forbidden in the public libraries to lend out, among other books, Beccaria's celebrated work *Dei delitti et delle pene*. (Ibid. p. 86. § 110.); and in 1827, the censorship forbade the Society of Italian Classics to announce in their catalogue the works of Filangieri, whose famous treatise called *La Scienza della Legislazione* it had nevertheless allowed to be printed in 1822.'—Ibid. § 112.

'A circular sent to the local censorships forbids using the marks * * in the place of &c. &c.; lest the public should imagine that the hiatus proceeds from the suppression of words.'—Ibid. § 116.

'When the censor and the author cannot agree, the MS. is sent to Venice, and the answer returned at the end of 4, 6, 8, or 10 years.'—Ibid. p. 88. § 116.

Chapter XIX has six pages on, or rather from, Joseph II; five of them being quoted from a circular of his, sent to all the

public offices in 1788. After a page and a half on his own patriotism and sagacity, and a string of truisms which from a less illustrious writer would perhaps be termed twaddle, that sovereign proceeds to lay down an invaluable rule for guiding the crown expenses.

'The sovereign being merely the treasurer of the state, when he chuses to allow himself the pleasure of relieving the indigent, he ought to do it, like a private person, out of his own patrimony.'

Mr. Dal Pozzo has shown even more than his usual discrimination in recalling this announced rule of Joseph, in order to point his implied censure of the Emperor Francis. He appears to have had in his mind's eye an anecdote thus narrated by Misley ;—

'The Gazette of Milan, of July 11, 1825, said, "His Imperial Royal Apostolic Majesty, whose paternal love extends his beneficence over all his subjects, has graciously deigned, by a royal resolution taken at Monza, on the 24th of June, to grant the sum of 60,000 Austrian livres, to be distributed among the poor."—p. 205. § 291.

Who paid these 60,000 livres? The Milanese Congregation of Charity! Joseph II uses, further on, in his circular, words well worth quoting.—

'Every citizen is bound to contribute only to the necessities of the state, and never to its superfluities.'

In most countries, even in our own, the general rule has been, to keep up all establishments in a state of gratifying but needless perfection,* provided sufficient funds can be procured. Joseph, in spite of his legislative pedantry and precipitation, was a good man; and his abuse of power being in general confined to thus mercilessly prosing from the vantage-ground of a throne, Mr. Dal Pozzo could not have chosen a better reference for his ironical purposes.

These, however, are lost sight of in the two following chapters, XX and XXI, where the President discusses the legal question of the Austrian law's not allowing an advocate to the accused. He does not seem to be upon the whole unfavourable to a contrary arrangement, and instances the institution of an *Avvocato de' Poveri*, in his own country Piedmont. Very curious evidence of its good effects, tried on a smaller field, the eminently feudal island of Cephalonia, may be found in pages 247, 248, 249, 250, and 251; of Colonel Charles Napier's strange but able volume on the Ionian Islands*. It can however be but a comparatively slight charge against the Austrian Government, that it has not

* See Westminster Review No. XXXVIII for Oct. 1833. Article '*Kingdom of Greece; and the Ionian Islands.*'

adopted an institution which does not exist even in England. The legal sobriety of these two chapters seems to have broken for a while the chain of Mr. Dal Pozzo's sarcasms, for the 22nd is entitled 'Several things in the Austrian Government which ought to be reformed.' Of these he states the principal to be a restless and inquisitorial police. He adds, that there was no free press in Lombardy, but a singularly 'indulgent censorship, and so completely has he taken to seriousness, that on the pretence of exemplifying this indulgence, he gives the hapless buyer of his Book eighteen pages reprinted from his '*Trattato sulla Legittimità de' Governi*,' published at Milan.

'The censorship of Milan, before allowing the publication of this volume, consulted the authorities of Vienna, and in the space of about two months obtained permission from them. I think I cannot make the Austrian government better appreciated, than by placing before my readers some of the maxims there enunciated, to the circulation of which it did not oppose the slightest impediment.'

zyly in Chapter XXIII begin the extracts from the *Trattato*. 'See, for instance, what is there said on the origin and nature of civil power,' and forthwith the President begins quoting—what?—'all power comes from God, says St. Paul.' At the bottom of the 85th page, 'The morality of sovereigns has nothing to do with the question of legitimacy,'—and towards the close of the 39th, 'Now it is well known, that in questions of morality, a right to the object legitimates and justifies the means.' Thus a debt might be lawfully recovered by burglary to the value of the sum claimed. Such extracts fully account for the tolerance of the Austrian police, who seem to have considered the *Trattato* as a soporific rather than stimulant to their subjects.

After quoting Botta's just praise of Joseph, the Count concludes his chapter by exclaiming—'And this is the barbarous Austrian government, which ought to be hunted out of Italy!' Of course, meaning to enforce the contrast of Joseph's conduct with that of Francis. So completely does the torpor produced by such quotations numb the restlessness of the Count's sarcastic imagination, that after giving a long extract from the 'Morning Herald' of April 30, 1833, a work which it is not very difficult to consult at the fountain head, he copies out a considerable portion of the '*Costituzione del Regno Lombardo-Veneto de' 24 aprile 1815*,' which, however, is not equally accessible, as appears from the subjoined note; 'It is necessary my readers should here be informed, that what I now place before their eyes is not the authentic Italian text, which it

would not be easy for me to procure, but a literal translation from the French in the '*Collection des Constitutions, &c. par MM. Dufau, Duvergier et Gaudet.*' The Lombard Constitution in Lombardy appears to be a sealed book.

There are two 'central congregations,' one for Lombardy, which meets at Milan, one for Venice, whose sittings are there; each composed of *fourteen* members, an immaterial circumstance which the Count does not deem worth extracting, though he carefully extracts the orders for the livery which they are to wear. He seems however to have omitted with greater judgment, articles 3, 4, and 5, 'as fixing the qualifications for election, and *the grounds for exclusion*,' which he might have introduced from the 17th of his Imperial Royal Majesty's Letters Patent,—'Not deserving the confidence'—of the electors? no—'of His Majesty.'

Of these congregations, according to article 1, 'The President is to be the Local Governor, or his Lieutenant.' According to Austrian practice, Lord Sligo should be gazetted not merely as Governor and Captain-general, but as Speaker of the House of Representatives in Jamaica. In the work which Mr. Dal Pozzo, unable to procure a sight of the Lombard constitution, has translated into Italian, it is stated, that "His Majesty, by Letters Patent of April 24, 1815, created for each province a provincial congregation, composed of eight, six, or four deputies, accordingly as the province was of the first, second, or third class." The snug *partie carrée* which thus plays at House of Commons, having no salaries, are supposed incapable of winning anything by the game. They shuffle and follow suit, merely for love. They are in the character of *ponteurs* without wages, and merely learning to deal.

The Prefect of the province is *ex officio* Cockswain of each little jolly-boat, timing the stroke, and steering the course. When sufficiently practised the members may be promoted into the Central Congregation, a galley which rows fourteen oars, and where their pay amounts to 2000 florins, or 200*l.* a-year. What then is each provincial congregation but a preparatory school of servility? What each central one but a college of corruption and indolence? These, according to the 24th and 25th paragraphs of His Majesty's Letters Patent, 'have no right to originate laws, or to determine taxes, or to exercise by themselves and in their own name, any one act of authority, legislative, judicial, or executive.' For by article 8, 'The Emperor names the members of the central congregations, selecting one person from among three candidates who are presented to him by the constituted corporations, that is, the councils of communes,' and by article 13, 'They con-

tinue in their offices six years, and may be *re-elected*.' Suppose the Commune of Sondrio (*née Valtelina*, in the idiom of a foreign visiting-card,) to send from her mountain pastures three bipeds as free and fearless as her black cattle; let one of them but thus 'lie in clover' in this Milanese pasture, and he will become as tame and sleepy an animal as was ever brought up by grazier or viceroy. Part the second, on the 'Provincial Congregations, article 45, says 'We (the Emperor) shall name *for the first time*, the members of the provincial congregations, in the manner pointed out above for the members of the central congregations.' Art. 46. 'For future nominations, the communes shall present their choice to the provincial congregations, and these shall present three names to the central congregation.'

This parental attention of His Majesty to name the provincial congregations *for once*, by way of teaching his filial subjects how to perform the exercise, was not unskillfully thought of. It vitiates the whole series of elections for ever, implanting in them an hereditary taint, not unlike what has been recently eradicated, by such bold but necessary practice, from the Scotch Burghs.

The Thirtieth chapter has for its title 'The characteristics of the Austrian government, in reality constitutional rather than despotic.' This paradox is supported by a number of mere assertions; for instance, — 'The right of private property is sacred. It is under the guardianship of the tribunals, and the sovereign cannot meddle with it.' This was admirably exemplified by the reduction of the debt due to the commerce of Milan, from four millions and a-half to one and a-half, payable without interest in ten years, at the rate of 150,000*l.* a-year, but of which only an annual 60 or 70,000*l.* was paid;—by the Austrian government retaining without interest 800,000 francs belonging to the city of Como;—by the application to roads in the Valtelina, of 109,620 francs raised in 1817 by a rate for the poor, but received after the immediate pressure of distress was past.

'Perfect equality exists before the law.'

In accordance with this, the judicial regulation of February 5, 1818, (§5) says, 'Those causes, in which the treasury is a party, either by itself, or through some one whom it protects, can only come before the civil tribunal of Milan.' 'There are no obnoxious privileges,'—yet the Emperor, after declaring by a notice of the 27th of December 1817, all steam-boats and steam machinery duty-free, having by this bait hooked the capital of several individuals, imposed a tax of ten per cent on the profits; and after the successful introduction of diligences, assumed to himself that speculation as 'a royal right,' in the same manner that sturgeons are claimed.

'The independence of the courts of law is preserved,'—yet in 1799, his Majesty dismissed the advocates Andreas Squadrelli, Joseph Bagotti, Sigismond Ruga, and Charles Marocco, for defending the legality of the sale of national estates, which was not forbidden by any law; and in 1825 displaced the judges, in what is still remembered by the name of the Lottery Cause.

'The administration of civil justice is rapid.' For instance, Milanese books and MSS. sent to Vienna for the censor's examination, are generally returned within eight, ten, or twelve years. 'Criminal justice is tolerably mild. The punishment of death is reserved for a few rare cases, and, what is most wonderful, for political offences no one really endured it.' Death was in every case relaxed into punishments varying from *carcere durissimo* for life, down to *carcere duro* for merely fifteen years. Great injustice however, is here done to the Austrian *savoir faire*; as a punishment, *carcere durissimo* is clearly a great improvement on simple death,—as much as paralyzing a limb would be a more fearful act of vengeance than stabbing it. The spouting blood, the quivering trunk, the livid head dropping among sawdust, may be more startling to the collected crowd, than the mere idea that a man, who has for years not been seen, is perhaps wearing away his existence in solitary confinement; but can there be a doubt as to which inflicts the greatest amount of suffering on the victim,—the momentary stroke of the headsman, or half a century of despair eating into the heart's core? The inhumanity of such bloodless punishments is as much greater than that of death, as their danger is less.

The Count commences his 31st chapter with a pardonable self-complacency.—

'Now that I have succeeded in imparting to my liberal fellow-countrymen a more thorough knowledge of the nature of the Austrian government,—at least so I flatter myself,—I will ask them, 1st. Whether it is not the greatest, *not merely ingratitude*, but folly, to revolve schemes of expelling from Italy the dynasty, which meditated or immediately has had its dominion rooted there for a longer time, &c.'

What ingratitude there is in not loving conquerors, merely for having long held possession, it would be difficult to say.

'Secondly, whether it would not be wiser to win this dynasty by quiet, obedient, submissive, and affectionate proceedings, &c.'..... So much good can the Emperor still confer on our Peninsula, if he should look upon it with eyes of love and fondness.'

The 32nd chapter is headed 'Prejudices of the Liberals against Austria;' and with the same spirit, in the last line of its first page he says of the other Italian states, 'Austria respects

their independence, I must say, *even too much*;' and in support of this he mentions the scruples of Prince Metternich, when he explained, July 28th 1832, to Sir Frederick Lamb, 'That friendly counsels indeed might be given by the European Sovereigns to His Holiness, but that at the same time his independence must be respected, and he must be left free and supreme judge of what he ought and ought not to do in his own dominions.' Mr. Seymour and the British public were equally convinced of the sacrifice which Austria made, in adjourning liberal innovations at Rome from a conscientious conviction that 'the holy gentleman,' as a young Member of Parliament inadvertently called him, was entitled 'to do what he liked with his own.'

During the five next Chapters, Count Pozzo, satisfied with the laurels which he has acquired, first as an ironical polemic and subsequently as a more sober compiler, enters upon the humbler office of a reviewer,—performing the operation upon 'Le Mie Prigioni' by Silvio Pellico; and draws up from the items set down in that work, a balance-sheet to the credit and discredit of Austria; from the latter of which, one or two items may be selected in Mr. Dal Pozzo's own words. 'His vehement complaints in page 108, "because the letters which came to him from his family, passed first through the hands of the Commission, which sometimes mutilated them." One of these is given entire by Silvio Pellico, as it was transmitted to him thus mutilated, and is to the following effect, 'My dearest Son, * * * * * Your affectionate Father.'

Mr. Dal Pozzo would doubtless have said, that the belligerent Kilkenny cats, the tips only of whose tails remained in the saw-pit, were 'mutilated.'

'4. The miserable lodging which he often had, and the wretched food which was given him in the prisons of Spielberg; where the food destined to prisoners in health was filthy [schifoso], and that called quarto di porzione, or hospital allowance, to which Silvio Pellico was afterwards admitted, was good, but so insufficient that he suffered from hunger.—p. 222.'

'7. The fact that in order to amputate the leg of Maroncelli, Silvio Pellico's fellow-prisoner, it was necessary to obtain leave from Vienna.—p. 297.'

What Mr. Dal Pozzo puts *per contra*, as 'things in favour of Austria,' may be more aptly considered as answers to these imputations. The material ones are, 'That of those tried, some were acquitted and liberated, among others Gioja, Romagnosi, Laderchi, and Armari.' 'Which proved in the Austrian government an inflexibility of justice;' not forsooth as a less learned lawyer might perhaps fancy, a proneness to unjust accusation. 'The admitted fact that the Austrian employés, high and low,

at Milan, at Venice, and at Spielberg, with whom Silvio Pellico had to do from 1820 to 1830, were all kind, of genteel manners [*di gentili maniere*], and full of humanity.' A less acute observer of human nature might have imagined, that the tenderness, and sometimes even tears of the Emperor's agents were caused by the revolting cruelty imposed by their office, and the affecting patience evinced by their victim.

3rd. The fact that Pellico and his companions in affliction, 'were not deprived, at least for some time, of those [books] which they had brought with them.' And that when these were taken away, 'There must for this change of treatment have been some reason, arising perhaps from some other prisoner, and which Silvio Pellico never knew.' A less acute logician would have failed to find a proof of justice, in punishing one man for the offence of another of which he was not even aware.

4th. 'The Emperor once made a communication to Silvio Pellico that his near relations at Turin were well. Thrice during his imprisonment at Spielberg (as he says in p. 287) there came from Vienna personages of high rank, to visit the dungeons, in order to make themselves sure that there were no abuses in the treatment. All showed feelings of humanity and pity, and each of them made some kind concession;' one of them—a little light! 'When Maroncelli's leg was cut off, the Emperor ordered (p. 300) that he should have from the superintendent's kitchen good food, till his strength was restored.'

A looser logician would have thought this minute interference of occasional mercy, not quite consistent with the defence subsequently set up for the Emperor about the deferred amputation of Maroncelli's leg, in these words, 'I believe it to have been only a stupid scruple of the Sub-Intendent.'

5th 'The attention shown in the selection of chaplains, confessors, or spiritual directors for the prisons of Spielberg;' and what Pellico says in p. 307, on the Abbé Ziak succeeding the deceased Wrba,—'The few that I knew, made me conceive a tolerably favourable opinion of the German Catholic Clergy.'

On this foundation Mr. Dal Pozzo rears a superstructure (p. 146) 'of incalculable advantage, partly temporary, partly, so to speak, eternal,' derived by the prisoners from this twelve years course of theology gratuitously taught them at Spielberg; the impressions received by them from their communications with the *rispettabili ecclesiastici* they were exposed to, being such as to have caused the habit of pious thoughts and sentiments to have so embowelled itself within them [*talmente s'inviscerò con loro*], as to be likely, on the testimony of well-informed persons, to last to their lives

end. It is thus that the features of oppression, to be rendered thoroughly loathsome, should be daubed over with the slime of cant. 'Now then let me ask the detractors of Austria, to show me any other country in which prisoners become of an unequalled and enlightened virtue.' The Chapter ends with a truism which, like many of Mr. Dal Pozzo's remarks, possesses a *niaiserie* quite *impayable*. 'No one can contradict me when I assert, that a real Christian, a faithful observer of the laws of Christianity, is at least a man eminently moral.'

In the beginning of the next and 36th Chapter, the Count thus defends the Emperor from the charge of starving his prisoners.—'It is possible, most possible, that his orders were not understood; the bad quality of the food might be the act of the contractor. Besides, how can any one believe, that the Emperor of Austria, so full of religion, so anxious that the prisoners should grow good and pious Christians, was on the other hand so unfeeling as to let them perish from hunger, and languish under disease which unwholesome and scanty food was sure to produce?'

Finally the President, sitting on the bench of criticism, impugns the witness's credibility;—'Assuredly I do not believe that he, Silvio Pellico, in good faith thought, that the Sub-Intendent understood his instructions rightly.' Doubtless Pellico knew his friend's agonies to be needless, but kept the idea to himself, that he might put the Austrian government yet more in the wrong; for it seems, according to a previous argument of Mr. Dal Pozzo, that even the authorities, zealous as they were for the honour of their master, could not resist pretending that he would not pardon their giving the prisoners more or better food. And on what evidence is such an accusation brought against Pellico? The fact that he writes books, and 'in such compositions has had great success;—a charge which cannot be retorted on Mr. Dal Pozzo.

The next Chapter is merely a continuation of piracy from 'Le Mie Prigioni,' little calculated to prove Mr. Dal Pozzo's argument, but likely enough to promote the reading of his article.

He drops the reviewer and resumes the statesman in Chapter XXXVIII, 'Advice to Austria;' which he commences by appropriately observing, that 'the most enlightened governments may, as examples show us, receive useful advice from the very lowest individuals. He might have remembered that *Qui s'excuse s'accuse*, and on the mere possibility of misconception, have omitted this next remark;—'Of the purity of my intentions, with what foundation could any one ever doubt?'

His first precept to the Austrian government is;—'Let it

not be wearied, despite the ravings of a few brainless or heated heads, of giving still multiplied proofs of mercy, kindness, and love, towards its Italian subjects; for love is reciprocal.' The fifth is less obvious, that 'it should labour, as in my opinion it ought to do, to suppress the dialects;' and after this second comes yet a third truism, 'Languages are a great bond of human society, provided they are understood.' The eighth, is 'that the greatest possible facility should be given for introducing foreign books and newspapers;' because 'for many heated heads they serve rather as vents to exhale, than as aliments to foster revolutionary designs. If to men thus ravenous after liberty, whom actual fasting would only render ferocious, you do not grant food, throw them at least some bones to gnaw.'

The rest of this Chapter is to the same effect. In the next the statesman addresses 'Advice to such Italians as are mature in age and sense.' He tells them, in opposition to the obsolete doctrine of '*nullum tempus Libertati occurrit*,' that nations which originally enjoyed liberty, but which were conquered and for a long time subjected to an unresisted and regular government, cannot justly rise in an attempt to recover their former freedom, unless the existing government becomes completely insupportable. If they do so and fail, they cannot ever again complain that they are treated harshly and as slaves.' Thus one unsuccessful revolt ought justly to entail perpetual servitude upon posterity.

The Piedmontese, pettifogging and pedantic as usual, then quotes from Josephus the speech of King Agrippa to those Jews who for their unreasonable love of liberty were called 'zealots,' ending with, 'He who having once submitted, revolts, should be no longer called a lover of liberty, but a contumacious slave;' and then Josephus himself telling his countrymen, that 'Those who have been conquered, and have long obeyed, if they attempt to shake off the yoke, do what is characteristic of desperate men, but by no means what becomes true lovers of liberty.' Politicians devoid of Dal Pozzo's prudence, might perhaps call them true though rash lovers, and even deem with Byron that—

'They never fail, who die

In a great cause.—'

Surely this Doctor who restricts the right of revolt to independent nations, would, if he had practised medicine instead of law, have confined physic to healthy subjects.

The Fortieth Chapter ends with 'Advice to young Italy.' The patriot closes his labour of love with this parting address to his countrymen; 'Consider the Austrian dominion, more

widely spread over Italy, made more gentle and generous, by your own free submission,' &c. The last words with which he sums up the blessings that would result from the extension of Austrian dominion in Italy, although uttered as a withering curse upon freedom, may be taken as an omen of victory unconsciously uttered;—'To conclude, liberty will at last triumph (though under various forms, yet in substance and in effects the same), in both hemispheres.'

There is yet a sort of postscript to the strange letter which Mr. Dal Pozzo has addressed to *la bella Italia*. It contains a specific proposal connected with a certain annual subscription to him of three francs, and as is proverbially said of postscripts, seems to afford a key to the fluency of the ready writer. It is headed '*Piano*,' and runs thus—'Plan of an Association throughout the whole of Italy, having for its object the diffusion of pure Italian, and the simultaneous suppression of the dialects which are spoken in the various countries of the Peninsula.' The means,—'an annual subscription for a certain space of time, to be subsequently settled, the amount of which is to be sent to one of the following publishers; Bocca, at Turin; the Cherbuliez, at Geneva and Paris; and Rolandi, in London.' Italy is to give up independence, and amuse herself with putting down her dialects. A good example of the husks with which arbitrary power in all countries tries to fill the stomachs of its victims.

Had Mr. Dal Pozzo continued to 'do good by stealth, and blush to find it fame,' only the favoured few to whom he sent his book would have been entitled to laugh at it. But not satisfied with passing among indulgent friends for a twaddler, he has by publishing, risked appearing to his indignant country a traitor. Why, since he denies (note p. 46) that there are in Turin as many as two or three hundred liberals, did he in 1821 accept a high office under the liberal government? Even among the Austrians, what has this lawyer taken by his motion? Are not even they ashamed of an advocate, who has made himself *plus catholique que le Pape*, more Austrian than the Emperor? Do they not decline both his advice and praise, and desire *merely* implicit obedience? Is his book even allowed circulation in Lombardy?

ART. IX. *The Finance Accounts of the United Kingdom, for the Year 1833, ended the 5th of January 1834; Ordered by the House of Commons to be printed.*

THESE Islands, from the Norman Conquest to the present hour, have been virtually ruled or mis-ruled by an Aristo-

cracy. The government of the Tudors and Plantagenets, when the Crown exercised substantial power,—and the short sway of a military democracy,—are but partial exceptions, hardly worth naming, and our two years enjoyment of a Reformed Parliament shows the latter period to be no exception at all. The object of the present article is to show in some detail, the evil effects which have sprung out of the government of a *caste* upon our system of taxation, in its manifold departments. The ordinary official classification of the revenue, however unscientific, will for convenience be followed, viz.—‘Customs and Excise,’ or taxes levied on consumable articles, foreign and domestic,—‘the taxes,’ or correctly, the direct taxes,—and ‘the stamps,’ partaking of the character of both direct and indirect taxes. The taxes impeding the progress of knowledge will be considered under a separate head; an estimate will then be made of the burthen of our monopolies, and the subject will be concluded with some general observations on the different pressure of taxation as it bears on the rich and poor.

Beginning with the first of these, or the ‘Customs and Excise,’—the custom-duties on all material articles are specific duties, that is, duties on the quantity and not on the value, and the excise duties are all of this nature. The obvious consequence of this is, in most cases, that the valuable article consumed by the rich pays a low tax, the ordinary article consumed by the middle classes a high tax, and the lowly commodity used by the poor an extravagant tax. The relief of the governing classes from taxation, the casting of the weight of taxation upon the industrious classes, and the convenience of government and its officers in collecting the tax, would seem to be the only objects held in view. Examples are innumerable. Tobacco is a striking one; thus,—

Description.	Cost.		Duty.	
	per lb.		per lb.	per cent.
Virginia, ordinary	s. d.		s. d.	
	0 3		3 0	1200
Do. fine	0 6		3 0	600
Maryland, fine yellow . . .	1 3		3 0	240
Havannah Segars	8 6		9 0	105

In this case, the poorer classes pay double the duty that the middle classes do; and five times as much as the better classes do; while the labourer and mechanic are taxed at near twelve

times as much as the whiskered dandy that may be seen puffing his Havannah segar in Pall Mall or St. James's Street, or the whiffing Legislator who, half afraid of his constituents and half of the Minister, absents himself from a division on the Pension List in the smoking-room adjoining the House of Commons. *A property-tax! a property-tax!*

'Think of this when ye smoke Tobacco!'

Sugar, nothing less than a necessary of life, affords another very striking example.

Description.	Cost.		Duty.	
	per cwt.		per cwt.	per cent.
Muscovado, brown and soft . . .	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>
Do. middling . . .	25	0	24	0
Do. fine . . .	28	0	24	0
Do. double refined. . .	37	0	24	0
	71	0	24	0
				96
				86
				65
				34

In this necessary of life, the poorer classes pay nearly one-half more than the middle classes, and they pay nearly three times as much as the higher classes.

This refers to Colonial sugars only. If the sugar be East-Indian, the duty throughout rises by thirty-three per cent.; and if it be foreign, such as the sensible nations of Europe consume who are without colonies and not solicitous to fetter their commerce with foreign nations, it rises to 126 per cent.

Soap, after the duty has been reduced to one-half, will pay excise in the following proportions, according to its qualities.—

Description.	Cost.		Duty.	
	per cwt.		per cwt.	per cent.
Yellow	<i>s.</i>	<i>s.</i>		
White	36	14		39
Oil	46	14		30
	70	14		20

So that the Trades' Unionist who washes his face with brown soap, pays double the duty of the fine lady for whom he keeps a carriage out of his bread.

This is, however, by no means the whole amount of the duty, or the whole amount of the inequality. All the raw materials of Soap are taxed, and unequally taxed too; thus,—

Article.	Description.	Cost.	Duty.	
		per cwt.	per cwt.	per cent.
Barilla.	Sicilian	s. d. 11 0	s. d. 2 0	18
Do. .	Spanish	10 0	2 0	20
Do. .	Teneriffe	8 0	2 0	25
Tallow		46 0	3 2	7
Rosin.		8 0	4 4	54

Here there is a heavy and unequal impost upon a necessary of life, which yields little more than half a million to the public revenue,—which is a tax upon some of the most important of our manufactures,—which is a tax upon cleanliness,—a bounty upon nastiness,—imposed by those who are pleased to designate the people ‘the unwashed,’ and which has long produced such interference on the part of the officers of the excise as to prevent all improvement in the manufacture, and consequently any considerable export trade in the commodity itself. The produce of the soap duty, before the reduction, was short of 1,200,000*l.* It will now be short of 600,000*l.*, and to collect this diminished revenue, precisely the same establishment is necessary, so that the smaller revenue is collected at double the rate of expense. This comes of niggling. There will be no good, till the people have sense and spirit enough to demand that the revenue shall be raised by the honest process of a Property-tax which shall make the rich pay in proportion to their superfluity, and the sweeping away of the filthy frauds by which the knaves who call themselves ‘the higher orders,’ now cheat the public and the poor.

The excise duty on glass is a well-known example of the inequality and impolicy of our taxation. The whole of the raw materials are native, and from our command of fuel, capital, and ingenuity, there is no people in the world so well fitted as ourselves for carrying this important and beautiful manufacture to the greatest extent and perfection; while it may be at the same time added, that there is hardly a foreign nation in the world, from the most barbarous up to the most civilized, that would not consume our glass in one form or another. The excise laws and the window duty, but chiefly the first, step in and arrest the progress of the manufacture. Flint-glass is charged with a

duty of three-pence per pound in the pot, or six-pence out of it, after its weight has been more than doubled. It is found most advantageous to the revenue to take it in the pot, by which from one penny to two-pence is gained; and the raw material generally not being worth one penny a pound, the duty rises to from 700 to 800 per cent. The duty on crown or common window-glass, instead of three-pence per pound, is now eight-pence per pound, while the duty on plate-glass, the most valuable article of all, is three-halfpence less than the last. The total duties levied amount to about a million sterling, of which about one-half is withdrawn on exportation, the revenue amounting to little more than one-half this sum; so that for half a million of revenue, an establishment is maintained necessary to collect a million of duties. The total value of our export of glass is short of half a million sterling, and seems rather declining than advancing in amount. So vexatious is the operation of the duties on the manufacture of such articles as beads, that we are under the necessity of getting them from Italy, in order to supply our savage customers in America, Africa and India.

The duties on timber are full as bad, if not worse, than the excise duty on glass. In a populous and highly cultivated country like ours, timber, a first necessary of life, and directly or indirectly a principal material in almost all our manufactures, ought no more to be made the subject of tax or monopoly than corn itself. It is made the subject of both, and under these two heads, the people are paying for it about 2,700,000*l.* per annum. Of course the operation of the tax is unequal as usual. Thus, on Swedish fir, worth 4*l.* 7*s.* per load, the tax is 2*l.* 15*s.* or seventy-three per cent; on Riga fir, worth 6*l.* per ton, the tax is the same, or forty-five per cent only; on coarse Rose wood, worth 12*l.* per ton, the duty is 10*l.*, and on fine worth 30*l.*, the same; being, in the first instance, eighty per cent on the value, and in the second but thirty per cent. On Honduras mahogany, worth 21*l.* per ton, the duty is 2*l.* 10*s.*, being lower, even nominally, than on Baltic fir; on the best Honduras mahogany, worth 37*l.* 10*s.* per ton, the duty is the same; on the coarsest mahogany, therefore, the duty is under twelve per cent, and on the finest seven per cent. Here are abundant symptoms of dishonesty in favour of the upper classes, the article of necessity being invariably charged with a higher duty than the article of luxury, and this too in a most inordinate proportion.

The unequal operation of a specific duty upon the different classes of wine, is prodigious; of which the following are examples.—

Description.	Cost.	Duty.	
	per gallon.	per gallon.	per cent.
Port, inferior	s. d. 3 4	s. d. 5 6	165
Do. superior young	6 0	5 6	91
Do. very superior old	7 0	5 6	78
Claret, cargo	2 2	5 6	254
Do. second quality	15 6	5 6	35
Do. first growth	20 0	5 6	28

The monstrous inequality of the duties in this case are so palpable as to need no comment. The poor man must pay above twice as much on his Port wine as the rich; and if he desires to taste the produce of the country which God made to be a smiling vineyard for him within sight of his own harbours, he must pay above nine times as much as the rich man whom he is keeping out of the sweat of his brow in various ways besides. Were the wines of France introduced into this country at fair rates of duty, and did the French take our manufactures in return, the former might be consumed in England nearly as cheap as in France itself. The duty on red French wine in the United States little exceeds a halfpenny per bottle; a bottle of ordinary claret there, may be had for ten-pence, and consequently French wines are in very general use by all classes. Although next-door neighbours to the French, and the Americans three thousand miles off, our duty alone on the wine which the industrious and middle classes could afford to drink, is equal to one-and-a-half times as much as the whole cost of the wine in America with duty included.

The favour afforded to the richer classes by the mode in which the wine duties are imposed, may be contrasted with the mode in which the duties are made to operate on foreign and colonial spirits which are more especially the consumption of the middle and poorer classes of society respectively. Thus,—

Article.	Description.	Cost.	Duty.	
		per gallon.	per gallon.	per cent.
		s. d.	s. d.	
Geneva		2 6	22 6	900
Brandy	Bordeaux	2 9	22 6	818
Do.	Second quality	3 8	22 6	615
Do.	Cognac	4 6	22 6	500
Rum	Leeward islands	2 2	9 0	415
Do.	Jamaica	3 0	9 0	300
Do.	Do. extra fine	3 10	9 0	234

The average rate of duty paid on wine, the consumption of the wealthier classes, is 108 per cent; and the average paid on spirits, the consumption of the middling and poorer classes of society, is 556 per cent. Geneva, a wholesome and agreeable spirit, which would be largely consumed by the middle and poorer classes were the duties moderate and equitable, pays the enormous duty of 900 per cent on the value; while first growth Claret pays less than one thirtieth part of that rate. With respect to the spirit duties; compared to each other, Geneva and common brandy pay from 300 to 400 per cent more than the finest Cognac, and the first pays near four times as high a duty as extra fine Jamaica rum; yet the last-named spirit, unsuited to the taste of the people of this country, can hardly be forced into use, and nearly the whole consumption of Geneva is, through the exorbitance of the duty, brought into the country by smuggling.

So much for the Excise and Custom duties. Nearly the whole system is a cold calculated fraud upon the numerous classes; for which those classes when they get the power, as they shortly will do, will be quite right to indemnify themselves,—even if there were no other reason,—by a moderately graduated scale on property. The principle which ought to have been adopted, so long as the levying of such duties was continued at all, was to levy the duty as nearly as could be done with facility, according to the value of the article, or if anything, to give an advantage to the consumption of the poor. A specific duty has a gain in simplicity and facility where it can properly be adopted; but this can only be where the qualities of the different varieties of the article on which the duty is imposed, do not materially differ; or where the varieties when they differ materially, may be readily discriminated, so that the tax may be rated to each variety. The article of currants may be quoted as an example of one well suited to a specific duty. In this the range of prices does not exceed eight per cent. Along with raisins, they at present afford a revenue of near half a million sterling per annum; but this is effected at the expense of the middle and poorer classes of society, the chief consumers, who are charged the high duty of full sixty per cent on the value. Of articles differing widely in value, and of which the qualities are readily discriminated for fiscal purposes, teas, wines, and spirits may be enumerated. When the American government found it necessary to raise a considerable revenue for paying off their national debt, such a system was followed, not only in regard to these, but to many other articles; and as the result showed, with every practical

advantage. In 1828, the revenue received from the under-mentioned articles was as follows.—

							In £. stg.
Wines ...	...	...	...	...	...	...	150,449
Spirits ...	...	...	...	...	...	...	328,901
Teas ...	...	...	...	...	...	...	382,680
Sugar ...	...	...	...	...	...	...	357,393
Salt ...	...	...	...	...	...	...	145,824
Total ...							<u>£ 1,365,247</u>

The average duties on these different articles, were for wines 1s. a gallon; for spirits, about 1s. 10d.; for teas, about 1s. 3d. per lb.; for sugar, 1½d. per lb.; and for salt, 10d. per bushel. Adding to these the article of coffee, which was taxed for all qualities at the low rate of 2½d. per lb., and which yielded 338,886l., there is a revenue at these moderate rates of duty, exceeding 1,700,000l. sterling, collected without inconvenience to the trader or consumer, and without difficulty from smuggling.

The system of duties recently pursued by the United States is far less laudable, its object being the delusory one of driving foreign nations into reciprocity; but still the tax is generally so trifling in amount as to prove no very serious impediment to trade. On French wines, for example, the duties, according to circumstances, vary from 3d., 5d., and 7d., to 11d. per gallon, while Spanish and Portuguese wines pay from 5d. to 2s. per gallon. Even these duties however, low as they seem, have already been reduced to one half. On spirits the lowest rate of duty is about 2s. 2d., and the highest about 3s. 9d. On coffee the duty has been taken off altogether; and the same has been done with teas, except when imported in a foreign bottom, when the duty is now no more than 5d. per lb. Our own government has recently made a bungling attempt to adopt the system of rated duties in so far as the article of tea is concerned. In the market of Canton, there are about twelve different teas which are exported by the European nations, but many of them approaching so closely to each other in value, that for fiscal purposes they might in this country easily have been thrown into half as many classes,—or, for that matter, into five or even four classes. Our government has reduced the classes to three; with the respective duties of 1s. 6d., 2s. 2d., and 8s. per lb. The manner in which the consumer will be affected by the scale of duties as thus imposed, will appear from the following table; which contains the free-trade price of several of the principal descriptions of tea, as they exist at Hamburg and Rotterdam; the specific duty affixed by the

new tariff; the operation of this specific duty as an *ad valorem* duty; the probable future price, including duty; the Company's monopoly price; the saving as it will affect the different classes of society, which the abolition of the monopoly and the new scale of duties will produce.—

Description of Tea.	Free Trade with China.				Com- pany's Monopoly. Price with Duty.	Sav- ing to the Public.
	Cost.	New Duty.		Price with Duty.		
		£ lb.	£ lb.		£ cent.	£ lb.
	s. d.	s. d.		s. d.	s. d.	s. d.
Bohea	0 : 9	1 : 6	200	2 : 3	3 : 7	1 : 4
Congou	1 : 3	2 : 2	173	3 : 5	4 : 8	1 : 3
Twankay	1 : 4	2 : 2	162	3 : 6	4 : 6	1 : 0
Souchong	1 : 5	3 : 0	212	4 : 5	5 : 0	0 : 7
Hyson	2 : 8	3 : 0	112	5 : 8	8 : 0	2 : 4
Gunpowder	3 : 6	3 : 0	85	6 : 6	10 : 6	4 : 0
Flowery Pekoe ...	4 : 0	3 : 0	75	7 : 0	- : -	- : -

The scandalous inequality of the new scale of duties, is plain enough from this table. The coarsest tea sold, which is the consumption of the poorest classes, is charged with a duty which exceeds by 120 per cent that which is charged upon the two finest descriptions of tea, or those which are consumed by the highest classes. Congou, the black tea in most common use with the middle classes of society, is charged with considerably more than twice the *ad valorem* duty which is charged on Pekoe, which will be used only by the upper classes. The consumers of Souchong, which is a tea in use with the same classes, will have their tea by only 7d. less than they now pay for it; while on Hyson and Gunpowder the upper classes will save respectively 2s. 6d. and 4s. per lb., and their Pekoe they will probably get for 6s. less than they before paid for it. By the extinction of the monopoly the entire gain to the nation, upon the present limited consumption, will not be less than two millions per annum. But the upper classes, as usual, come in for the lion's share of the advantage. There is something so indecent in deliberately sitting down and forming a scale of duties thus unprincipled, that it is impossible not to think of men who have delivered themselves into the hands of their enemies; and the thing is the more inex-

cusable on the part of the Treasury, since it is well known that a more rational and equitable scheme was submitted by the acute and intelligent merchants of Liverpool and Glasgow.

The following table gives the scale of tea duties adopted by the Americans.

Description of Tea.	Cost.	Duty.	
		₤ lb.	₤ lb.
	<i>s. d.</i>	<i>s. d.</i>	
Bohea	0 9	0 6	66
Congou	1 3	1 0½	83
Souchong	1 5	1 0½	73
Hyson	2 8	1 8	62
Gunpowder	3 6	2 1	59
Pekoe	4 0	2 1	52

Here the difference between the highest and lowest ratio is only fourteen per cent; while the difference in the two extremes with us is 126 per cent, or nine times as much. Even in America, it would appear, the drinkers of the best tea know how to take care of themselves. In 1819 Mr. Vansittart, discrediting, it may be presumed, Swift's sarcasm that two and two in the arithmetic of the Customs do not make four, raised the tea duties from 96 to 100 per cent. The very first year of the operation of the new duties, the revenue declined by near 200,000*l.*; and in ten years time, a total loss of upwards of a million sterling was sustained. The Whigs on that occasion made, according to their then fashion of maintaining the rights of the poor, a violent struggle to prevent the augmented duties from applying to all teas of 2*s.* and under; and they succeeded. They obtained a remission of four per cent upon one-thirtieth part in value of the whole tea consumed; or the boon conferred might amount to something like the sum of 5,000*l.*, to be distributed in charity among 20,000,000 of people. The same Whigs, now in power, impose a scale of duties which makes a distinction between the consumption of the poor and the consumption of the rich, equal to 120 per cent in favour of the latter, while they make the middle classes pay full double the duty that is paid by the higher classes. It is only necessary in this case to alter the terms in which the duty is expressed, to point out, not the injustice alone, but, the extravagant absurdity of the scheme. The matter may be stated thus;—The poor shall pay an *ad valorem* duty of 200 per cent on their consump-

tion; the middle classes shall pay 180; and the privileged classes shall pay only 90. This is in reality within a minute fraction of the state of the facts.

The tea-dealers and brokers of London, though no Whigs, are worse than the Whigs themselves. They propose one fixed duty for all teas, in order to save themselves and the officers of the Customs trouble. It may be seen at a glance what the operation of such a duty would be. Taking the consumption at 31,000,000 lbs., it would require a duty of 2s. per pound to realize the present revenue of between 3,000,000*l.* and 4,000,000*l.* On Bohea—the consumption of the poor—this would be an *ad valorem* duty of 266 per cent; on Congou—the consumption of the middle classes—it would be but 160 per cent; and on Hyson, Gunpowder, and Pekoe,—the consumption of the higher orders—it would be less than 60 per cent. In this case the poor would pay a tax of between four and five times as much as the wealthy; while for every half-crown paid by the tradesman to the State, the nobleman would be called on only for one shilling. From this sample it may be judged that the legislation of monopolizing tea-brokers and tea-dealers, is even more selfish and unfeeling than that of the nobility and squirearchy themselves.

When the different qualities of the same article are not easily discriminated, the *ad valorem* duty becomes more convenient than the rated. This will apply to tobacco, sugar, coffee; and even wines and foreign spirits might be included, should the Treasury fancy that there existed a difficulty in assessing these with a rated duty. All articles of food and all the raw materials of our great manufactures, should be imported altogether free from duty; and so should many minor articles on which the duty is not worth the trouble of collecting. With respect to the Excise, which consists chiefly of the duties on malt, hops, spirits, paper, soap, glass, bricks, auctions, and licenses, it would be conferring a vast advantage on society if they were wholly abolished. With respect to the national manufactures of glass, bricks, paper, and soap, no question whatever can exist of the necessity and utility of emancipating them from the Excise laws; and the same observation applies to the auctions and licenses. The only doubt is, as to the duty on malt, hops, and spirits, which for Great Britain and Ireland amount, in round numbers, to about 10,000,000*l.* a-year. As to hops, which are so precarious a crop that the same rate of duty amounts in one year to little more than 100,000*l.* and in another to three times as much, and the growth of which is confined to a few districts of three counties,—it appears pretty certain that the article is not a very fit one for taxation, more

particularly when it is considered that the actual amount of the tax does not exceed 100,000*l.* per annum. The State would absolutely be a gainer, if it paid an indemnity to the proprietors of hop-grounds for rooting out the plants, and prohibited the future cultivation in the same manner as is done with tobacco throughout the kingdom; though the latter is a plant which, but for the impudent sacrifice of all the interests of the country to the object of raising a revenue for the higher classes to mis-spend, might become of far more importance to the agricultural industry of the country than the hop.

Our practice in respect to this article is little better than that of the French in regard to their tobacco monopoly. At a heavy charge of Excise establishments, they permit the growth of tobacco in a few districts in France, in order to favour certain classes of proprietors, while, both for fiscal purposes and as far as regards the interest of the consumer, a better and a cheaper article might be conveniently imported.

There would remain then only the Excise on malt and spirits; —the first a tax on beer and spirits, the great beverages of the working classes; and the second an additional tax on spirits over again. Beer ought to be free from taxation; and so ought malt, in so far as it is the raw material of that article. British spirits are made for the most part, not from malt, but from raw grain. It is the most execrable stuff produced by any civilized people, and only comparable to the *rack* of the Hindoo, the *shamsoo* of the Chinese, the *koumis* of the Tartar, and the *watki* of the Russian. The highest duty upon it is 7*s.* a gallon, while the *ad valorem* duty upon the rival foreign products ranges from 20*s.* to 25*s.* per gallon; the consequence of which is, that the consumption of this poison is increased till the cost price reaches 2*s.* 9*d.* per gallon, while Geneva might be had for 2*s.* 6*d.* per gallon, and wholesome brandy at 2*s.* 9*d.*; and all this that those beggarly cheaters the landed interest may rob the poor man in his drink, and get a forced sale from him for the corn, on which they have already had a robbery in the shape of the Corn Laws besides. It has, therefore, a protecting duty of from 550 to 600 per cent. Were the duty upon Geneva and brandy reduced from 23*s.* 6*d.* to 7*s.* their competition would inevitably extinguish the British abomination. The high price and bad quality of British spirits is, in some degree, to be ascribed to the Corn-laws, which go well nigh to double the price of the raw material. This however, is obviously not the sole cause of the inferiority. The truth is, that no good ardent spirit has ever been prepared in any part of Great Britain under the most favourable

auspices ; for the malt spirits of a few spots of Scotland and Ireland (much inferior after all to foreign spirits) are hardly exceptions, if exceptions at all. With brandy, from the nature of the raw material all competition is of course hopeless ; and with Hollands, although we might command an equal supply of the raw material with the Dutch, it is perhaps equally hopeless. In the distillation of ardent spirits, skill, machinery, and capital have some effect, but peculiar localities and natural advantages have a still greater ; and of this there are abundant proofs, a few of which may be enumerated. The best whiskey of Scotland and Ireland is confined to a few obscure corners where no other manufacture would thrive ; and it has been found impracticable to produce a spirit of equal value in parts of the country where there exists more skill and capital, and where every other branch of industry thrives better. Good Geneva is confined to Holland, and the best and the greatest in quantity to the locality of Schiedam. The manufacture of the neighbouring country of Belgium is small in amount and very inferior in quality, although grain in Belgium is as cheap as in Holland, although the Belgians have fuel which the Dutch want, and although the article be equally suited to the Belgian as to the Dutch taste. Such is the cheapness and excellence of the spirit distilled at Schiedam, that a very large quantity of it is exported to the distant market of the East Indies, where it is not only consumed by the European settlers, but by the Chinese. The best brandies of France are equally local in their production ; they are confined to the countries in the neighbourhood of Nantes, and do not even belong to the countries where the best wines are produced ; for the brandy of Cognac is not less than sixty per cent better than the brandy of Bordeaux. The best grapes for wine are not the best for brandy, nor is a good wine year a favourable one for fine brandy. The brandies of Spain, Portugal, and other wine countries of Europe are execrable. The rum of the Leeward islands, so long in British possession, has always been of an inferior quality. The rum of Demerara, a recent acquisition, is twenty-five per cent better, and the rum of Jamaica is fifty per cent better. The arrack of Batavia is superior to any spirit of the same kind prepared in the East, and no skill has enabled the distillers of Ceylon, or Goa, or Bengal to equal it. All other spirits manufactured in the East under the same name, are detestable. It may safely be concluded from this, that the article of ardent spirits is one not well suited to the industry of this country.

Supposing this hypothesis to be well grounded, would it not be an advantage to the people and to the revenue to let the distilla-

tion of spirits drop altogether of itself? A year's revenue of the spirit duties, or less than one-fourth part of the sum paid for slave emancipation to the West Indians, would probably be an ample and satisfactory remuneration for all the capital invested in the distilleries of the kingdom. The total amount of revenue derived from British, foreign, and colonial spirits may be stated in round numbers at 8,500,000*l.* sterling, and the legal consumption at 23,000,000 gallons. A duty of 7*s.* 6*d.* per gallon would therefore cover the whole revenue. This would be but sixpence beyond the present duties in England; it would be a shilling less than the duty on rum, and it would reduce the duty on Geneva and brandy to just one-third part of the present amount. It would no doubt be considerably more than the duties imposed on Scotch and Irish whiskey, even adding to the latter the duty on the malt from which they are distilled. Smuggling in these two might therefore be expected; but this would be controlled, or even rendered impracticable, by the competition of brandy and Geneva, which, instead of being sold, as at present, at 25*s.* or 26*s.* per gallon, would be obtained by the consumer at from 9*s.* to 10*s.*, which is pretty nearly the average selling price of good Irish and Scotch whiskey. There would be no necessity, however, for keeping the rates of duty at so high an amount as 7*s.* 6*d.* per gallon in order to realize the present amount of revenue; for in the estimate of consumption no account has been taken of the vast amount of foreign spirits which are smuggled. Geneva and brandy, with tobacco, are well known to form the grand staples of the smuggling trade. Owing to the enormous rate of duties, the legal consumption of Geneva in this country has, within the last thirty years, fallen off to about one-twentieth part of what it had been, and the duty amounts only to the paltry sum of 35,000*l.* or thereabouts. Nearly the whole consumption indeed, is smuggled; in proof of which it is sufficient to state, that while the legal consumption does not exceed 35,000 gallons, there was actually seized by the Preventive Service in the years 1821, 1822, and 1823, no less than 227,443 gallons, being at the rate of 75,814 gallons per annum, or more than double the legal consumption. In addition therefore to the brutal injury done to the poorer and middling classes of the community by cramming a filthy liquor down their throats instead of a wholesome one, all the expense of the Preventive Service and other provisions against smuggling, may be put to the account of the plan which is in full action, for robbing the poor man to put money into the pockets of the rich;—and how should it be otherwise, among a people stupid enough to be content with a House of Commons every one of whom takes an oath that he is interested

in the robbery? The legal consumption of brandy has not diminished so greatly, because the duty on the value is not quite so extravagant; and still more, because the British distilleries can produce no substitute for it. But since 1790, it has declined by forty per cent, while our population has increased from 14,000,000 to 24,000,000, and our industry and wealth in a still higher ratio. On this single article, the Commissioners Messrs. Villiers and Bowring, estimated the loss sustained by the revenue at no less than half a million per annum. An increase of the revenue on spirits, to compensate for the abolition of the malt-tax or such part of it as might not or ought not to be got rid of by reduced expenditure, might safely be expected to arise out of the plan above suggested.

The total amount of the present Excise duties may be stated in round numbers, for the United Kingdom, at about fifteen millions and a half; but from this is to be deducted about three millions and a half for tea, which is no longer under the Excise, and from its nature never ought to have been. For Great Britain, the charges of collection on the gross amount were estimated at four and three-quarters per cent, and in Ireland a little less than eleven per cent. This estimate for Great Britain, however, was made when the Excise approached to nineteen millions in amount. The British Excise may be taken at ten millions, after deducting the Irish Excise of two millions, and the tea duties for the collection of which the nation paid next to nothing through the Excise, but a good two millions to the East India Company as a monopoly charge. Now as the establishment continues pretty nearly what it was when the revenue was at the highest, and as that establishment costs above a million sterling per annum, it turns out that the real charge is above ten per cent, and not four and three-quarters as it is reckoned in the accounts laid before parliament. It is very clear that taxes collected at such a charge, with such vexation to the consumer, with such detriment to our manufacturing industry, and such a cost to the morals of the people, ought not to exist in a free and civilized country; independently altogether of the fact, that in the arrangement of the rates, they are nothing but an organization for the legalized robbery of the poor man for the benefit of the rich.

The advantage which would follow the scheme here propounded would be great. By wholly getting rid of the Excise, the manufacture of glass, bricks, paper, and soap, so peculiarly suited to our situation, and so necessary to the promotion of our comforts, to our manufacturing industry, and

even to the extension of our knowledge, would be emancipated from a long and pernicious thralldom. A swarm of Excise officers and establishments, costing for the United Kingdom above 1,200,000*l.* per annum, and entailing upon the country an immense mass of patronage, jobbing, and worthless influence, would be sent about their business. The coast blockade costing half a million more, might in like manner be discharged. Such part of the national navy as is employed in the unworthy object of attempting to repress smuggling, might at the same time be dispensed with. Even the Customs establishment might be reduced very considerably, when the duties were confined to a few great articles, and their rates reduced so as to diminish the temptation to contraband trading. Altogether, a reduction of 2,000,000*l.* in the Custom and Excise establishments with their concomitants, would not be an over estimate. But then all this would be just 2,000,000*l.* in money or in influence taken from the rich to whom it does not belong, and given to the poor who are the rightful owners. And that this should happen can never be expected, till the decision of the great struggle whether the poor man shall eat his bread unrobbed or not, for which every man is buckling on his armour, or if that be too poetical, hitching up his trowsers, on one side or the other. Smuggling itself, too, a fruitful source of demoralization and crime, would in a great measure be put an end to. Of the advantages to the consumer and to the foreign trade of the kingdom, it is not necessary to speak, for they are self-obvious. The scheme now propounded will be worthy of the consideration of a parliament which shall have undergone 'the Second Reform,'—of a parliament chosen by householders and representing the people,—after the taxes on food have been abandoned, and when the landed interest has a proper but not an undue influence in the legislature.

The next class of taxes to be examined, are the direct taxes, commonly called *par excellence* 'The Taxes,' though they hardly contribute one-tenth part of the whole revenue. The first in order is the land-tax, which amounted in 1833 to 1,184,340*l.* The origin of the land-tax is as old as the Norman conquest, and may be traced to the duty called *escuage* or *scutage*, which was money paid to the sovereign by the feudal lords in commutation of military services, the amount depending upon the extent or value of the vassal's estate*. The land-tax first became of importance under the Commonwealth, of which it was the principal financial resource, so large a sum as

* Sinclair's History of the Public Revenue of the British Empire.

a million and a half per annum having been occasionally raised by it; so that its amount near two centuries ago, occasionally exceeded what it is at the present day. In 1692, four years after the Revolution, a new survey and assessment of the land-tax was carried into effect, but in a manner so loose, that the rate became extremely unequal, falling most heavily on the zealous or honest, and most lightly on the lukewarm friends of liberty, or the sordid, or the dishonest. The rate of the tax, which affected not lands alone but tenements also, varied according to various Acts of Parliament, from 2s. to 4s. in the pound. In the first year of the eighteenth century, it amounted, at 2s. in the pound, to 989,965*l.*; and during the whole reign of King William, it averaged near a million and a half per annum. During Anne's reign it averaged nearly 1,800,000*l.* From that time with little exception down to 1798, when it was made perpetual at the old assessment and at 4s. in the pound, it yielded permanently 2,037,627*l.* In this year leave was given to redeem the tax; but of the whole amount, the option has been adopted only to the extent of 714,362*l.* or thereabout. There is at this moment a ministerial project before parliament for reducing the amount of the land-tax by a further sum of 250,000*l.*, to be given to the clergy in commutation of Church-rates; which is in substance presenting so much money to the landed aristocracy, on discovering that the Dissenters, who are gradually acquiring the power of refusing payment, seem determined to pay the Church-rates no longer.

Of all the sources from which a revenue can be drawn by a people, the least oppressive and burthensome is a tax on rent; and consequently in all countries but England, civilized or semi-civilized, it forms a chief resource of the State. In Germany, France, Belgium, and Italy, it never constitutes less than one-fourth part of the public income, nor is its rate in any of these countries estimated at less than one-fifth part of the actual rental. This last has generally been its rate in England. In Great Britain, (Ireland is exempted from it altogether) instead of forming a fourth part of the public income, it forms about one twenty-fifth part. The total rental of Great Britain at present, including tenements and mines as well as lands, or what would be subject on the continent to what has been called by the French the *contribution foncière*, is commonly estimated at fifty millions. If, therefore, the English proprietors of real property were to contribute an equal share of their rents with the continental nations, and indeed what the rate was generally fixed at in early times in England itself,—they ought to con-

tribute, not two millions, but twelve millions, which would then constitute, as is the case with their neighbours, about a fourth part of the public income. By having had the making of the laws in their own hands, they have in fact contrived to add ten millions to their own property, and of course to rob the public to the same extent. It is curious to contrast the difference of their conduct when they make laws for themselves, and when they are called upon to make them for other people. A very few years before the British Parliament enacted a law fixing their own land-tax in perpetuity at 4s. in the pound on a careless and imperfect assessment made one hundred years before, they had passed a law fixing the land-tax of the British subjects in India at 18s. in the pound on a modern and inquisitorial assessment. This they called, creating an Indian landed aristocracy.

The next direct tax to be described, is the house-tax. There existed in England, even before the Norman conquest, a tax on the hearths of every house, called at first 'sumage,' and latterly hearth-money. The pensionary parliament of Charles II fixed the rate at 2s. for every hearth of every house assessed to church and poor-rates. This grant of the parliament purported to be in perpetuity. In order to assess and collect the tax, it was of course necessary that the revenue officers should view the inside of every house. This was considered at the Revolution as a badge of slavery, and in the first year of William and Mary it was abolished, in order, as the Act of Parliament for this purpose ostentatiously stated in its preamble, 'to erect a lasting monument of Their Majesties goodness in every house in the kingdom.' The lasting monument of Their Majesties goodness had hardly been erected, when a window-tax, heavier in amount, was substituted for the hearth-money. The originator of the house-tax was the illustrious author of the *Wealth of Nations*. The object of his recommendation was a tax either on the income of the landlord, or on luxury and ostentation; but it will be seen by the analysis now to be given, how widely the existing tax departs from this principle. The tax will be examined as it existed before the agitation of the metropolis drove the Chancellor of the Exchequer to the necessity of revising and ultimately abolishing it. Its gross amount in 1833, was about 1,400,000*l*. The general rule adopted, is to charge the duty upon every house of 10*l*. yearly value and upwards; and all houses were comprehended under three rates of taxation, Houses of 10*l*. and under 20*l*., were charged at the rate of 1*s*. 6*d*. in the pound of the rent; houses of 20*l*. and under 40*l*., at 2*s*. 3*d*. in the pound, and houses of 40*l*. and all

above, at the rate of 2s. 10d. in the pound. The effect of this classification, as it existed a month ago, may be illustrated thus.—

Rent.	Duty.		
	Rate per £. of Rent.	Amount.	per cent on the Rent.
£. s. d.	£. s. d.	£. s. d.	
9 19 11½	Free.	Nil.	Nil.
10 0 0	0 1 6	0 15 0	7½
15 0 0	0 1 6	1 2 6	7½
19 0 0	0 1 6	1 8 6	7½
20 0 0	0 2 3	2 5 0	11¼
30 0 0	0 2 3	3 7 6	11¼
39 0 0	0 2 3	4 7 9	11¼
40 0 0	0 2 10	5 13 4	14¼
80 0 0	0 2 10	11 6 8	14¼
160 0 0	0 2 10	22 13 4	14¼
1500 0 0	0 2 10	212 10 0	14¼

This statement requires but little comment. A house of which the rental is on the verge of 20l. pays only seven-and-half per cent duty, but the instant it touches 20l. the rate of taxation is increased by above one-half. A house just under 40l. pays eleven-and-a-quarter per cent duty, but when the rent reaches 40l. the rate of taxation is increased again by upwards of one-fourth. But at 40l. the graduated scale, such as it is, ceases. The graduation comprises the dwellings of the poor, and the house and shop of the industrious tradesman of whom the poor are customers; and if any of these increases the magnitude of his house, an increase of rate is ready to snap him up immediately. But the moment the duty begins to affect the houses of the gentry, the mansions of the wealthy, and the palaces of the nobility, care is taken that there shall be no more variation of the rate of duty. Apsley house, the mansion of the Duke of Wellington, which had been assessed at 1,000l. and was raised to 1,500l. within the last twelvemonths when the government and surveyors took alarm, pays fourteen-and-one-sixth per cent and no more on its rental; and by the Parliamentary returns, there are in London, Middlesex, and Westminster, 13,649 houses and shops of the middle classes of tradesmen, paying the same rate of duty. This is manifestly a dirty fraud, deserving of the hulk; and the idea of treating with the authors of

such meanness as with gentlemen or persons of honour, is out of the question with every man who is not of the thieves himself.

All this however, bad as it is, would be tolerable, but then comes the mode of rating the rent of houses to the duty. In this matter, the public is absolutely at the mercy of the surveyors; and the surveyors being appointed directly or indirectly by the aristocracy, of course favour the aristocracy in a manner which is not only grossly unequal but outrageously disgusting. The two following tables, drawn from Parliamentary Returns, will show how this manner of assessing the rent of houses is made to operate.—

ASSESSMENT AND HOUSE-TAX OF TWELVE HOUSES
OF THE NOBILITY.

House.	Proprietor.	Rent as assessed.	Tax.		
		£.	£.	s.	d.
Chatsworth	Duke of Devonshire .	400	56	13	4
Stowe	Duke of Buckingham	300	42	10	0
Blenheim	Duke of Marlborough	300	42	10	0
Eaton Hall	Marquis of Westminster	300	42	10	0
Alnwick Castle . . .	Duke of Northumberland	200	28	6	8
Belvoir Castle . . .	Duke of Rutland .	200	28	6	8
Bishop's Auckland Castle	Bishop of Durham .	200	28	6	8
Hatfield	Marquis of Salisbury	200	28	6	8
Chester Palace . . .	Bishop of Chester .	150	21	5	0
Godolphin Park . . .	Duke of Leeds .	150	21	5	0
Nottingham Castle .	Duke of Newcastle	100	14	3	4
Edston Hall	Duke of Grafton .	100	14	3	4
		2,600	368	6	8

Now any man may go to Hampstead, and satisfy himself what kind of a house is to be had there for 200*l.* a-year, and compare it with Alnwick or Belvoir Castle;—what kind of one for 150*l.* a-year, and compare it with the Bishop of Chester's Palace; and what for 100*l.*; and compare it with the Castle of the Duke of Newcastle;—and then see what sort of common honesty, vulgar respectability, mere ordinary parish every-day decency, the higher orders display in their transactions with the middling and poorer classes; remembering always, that the quantities given express the sums actually paid. If reduced to a rate on the rent as derivable from the value, it would probably

amount to somewhere about a halfpenny in the pound; while the man who has a house worth 10*l.* a-year pays eighteen-pence in the pound, and 40*l.* a-year two-and-tenpence.

As another point of comparison, take the

ASSESSMENT AND HOUSE-TAX OF TWELVE TAVERNS
IN TOWN AND COUNTRY.

House.	Town.	Rent.	Tax.		
		£.	£.	s.	d.
Pearson's Hotel	Brighton . .	500	70	16	8
Haine's Hotel	Cheltenham .	550	77	18	4
Lacey's Hotel	Manchester .	600	85	0	0
Lee's Hotel	Cheltenham .	650	92	1	8
The Old Ship	Brighton .	750	106	5	0
The Plough	Cheltenham .	850	120	8	4
The White Hart	Bath	900	127	10	0
The London Tavern . . .	London . . .	1000	141	13	4
Crockford's	London . . .	1000	141	13	4
The Bath Hotel	Bath	1050	148	15	0
The Athenæum Club . . .	London . . .	1400	198	6	8
The United Service Club .	London . . .	1500	212	10	0
		10,750	1522	18	4

Here are a dozen of the most splendid mansions in England, some of which must have cost half-a-million sterling, contributing all together 368*l.* 6*s.* 8*d.* to the public revenue, while the same number of the principal hotels, inns, and places of public accommodation, contribute 1,522*l.* 18*s.* 4*d.* The palaces of eight dukes two marquesses and a couple of bishops, are rated at no more than 2,600*l.*, while the twelve taverns are rated at 10,750*l.*, or more than four times as much. Assuredly dukes, marquesses, and bishops, know how to take care of themselves and to live upon other people, like the laziest bastard that hunts his vermin in the sun in the parish workhouse. The twelve palaces of the nobility are rated to the house-tax at within a fraction of the same rental as the Bank of England. Nottingham Castle contributes 14*l.* 3*s.* 4*d.* to the revenue of the state,—a much smaller sum than is paid for their shops and dwellings by many London shopkeepers. Although His Grace of Newcastle, the owner, has expressed his determination 'to do as he likes with his own,' it would be well if he and his would not do as they like with other people's. A short time ago, a mob did considerable injury to Nottingham Castle, and for the mere damage His Grace received from the hundred a

compensation of 20,000*l.* sterling. Had the house been valued at merely the amount charged for the damage, and at the ordinary per-centage of six-and-a-half for capital invested in houses, his rent, instead of 100*l.*, ought to have been 1,300*l.* a-year, and his contribution in shape of house tax, instead of 14*l.* 13*s.* 4*d.*, should have been 184*l.* 3*s.* 4*d.*, or thirteen times as much as it is. Let it be supposed, however, that Nottingham Castle is worth a quarter of a million sterling, which is probably much nearer its price. His Grace's mansion ought, in this case, to be rated at 16,250*l.* per annum, while his house-tax ought to be 2,301*l.* 1*s.* 8*d.* per annum. On this probable hypothesis, the Duke of Newcastle, (if the London shopkeepers be not over-taxed) is pocketing, in so far as the particular mansion in question is concerned, 2,287*l.* 18*s.* 4*d.* per annum, being at the rate of near six guineas a-day, while miserable men are dying all around, rotting in gaols and their wives and families selling the beds from under them, to make up the amount for him.

In the assessment of the house tax, the country is moreover shamefully favoured at the expense of the town, as might naturally be expected when the legislators take an oath that they are of the rural order. Farm-houses are wholly exempted from taxation; which farm-houses are as much the property of the landed aristocracy as the hedges and the ditches and the very fields which compose their estates. More than one-fourth part of all the houses in England and Wales which from their valued rental ought to be comprised in those assessed to the inhabited-house duty, go scot free, in order to increase the rents of the proprietors. The total number of tenements in England and Wales assessed to the inhabited-house duty, is 378,786, and the total number of farm-houses exempted, 136,194. Now of the first-named number, London, Middlesex, and Westminster contain 116,279, or considerably less than one-third part of the whole number. The total rental or assessment is 11,154,109*l.*, and that of the metropolitan county 5,143,340*l.* In this manner, after excluding the farm-houses, of which in Middlesex there are but 495, less than one-third of the houses is assessed at nearly one-half of the whole rental. In short, a population of 1,800,000, which is that of the metropolitan county, is assessed to the inhabited-house duty at nearly half as much as the rest of the population of England and Wales, or 12,103,574 persons. They pay nearly seven times as much as the rest of their countrymen, a proportion which, whatever may be the superiority of their wealth, cannot be a fair or just one. There is no end of the examples which might be given of the irregularities of the house tax. In all Wales there are

only eight houses assessed at from 100*l.* to 110*l.*, and only two houses of which the assessment is from 150*l.* to 200*l.*, and in six of its counties there is not one house assessed at 100*l.* In the county of Radnor there are only eight houses of which the assessment approaches to 30*l.* yearly. But even in London itself, there exist gross inequalities. The Mansion House and Apsley House are now on an equality, though until the last year the first was rated at fifty per cent more than the last. The India House is rated at 2,500*l.*, and must consequently contribute to the house-tax 354*l.* 3*s.* 4*d.* Now the India Directors, in the accounts which they render every year to Parliament, estimate the value of the India House, with some warehouses belonging to them, at a million-and-a-half sterling. Allowing the odd half million for the warehouses, and reckoning the yearly value of the India House at six-and-a-half per cent on the balance of a million, the yearly rental, if there be any faith to be put in the Directors valuation of their own house, is, not 2,500*l.* but 65,000*l.*, and the house-tax, instead of 354*l.* 3*s.* 4*d.*, ought to be 9,208*l.* 6*s.* 8*d.* This is the way in which 'to him that hath shall be given, and from him that hath not, shall be taken away even that which he hath.' If the poorer classes had contrived to form a House of Commons into which no man should be admissible who had above 300*l.* a-year, is it not very likely that the same kind of felonies might have been perpetrated on the rich?

Such is the tax which Ministers of State have lauded as a fair and equitable one. It might be so, if men in power were likely to assess it equally; but because they are not, a tax recommended by the author of the 'Wealth of Nations,' but which in its results no more resembles his than if it had been inflicted by the autocrats of Russia or of China, must be abolished.

Next comes the near relation of the house-tax, the window-tax. This, as already stated, was imposed as a substitute for the hearth-money of our ancestors. The abolition of the last was described as 'a lasting monument of Their Majesties goodness in every house in the kingdom.' The window-tax may be described as a monument of near a hundred and forty years standing, to tell the world how much royal personages and their ministers hate the light and love taxes. Pitt in that famous intrigue of his by which he turned his rival Fox out of power in 1784, used the East-India Company as the chief instrument of his purpose. One of the bribes held out to them was the reduction of the tea duty, from about one hundred and twenty per cent to twelve and a half per cent. To make good

the revenue thus sacrificed for the advantage of the tea monopolists, he wheeled round upon the people, and loaded them with an additional window-tax to the extent of 630,000*l.* per annum. This happened exactly fifty years ago, so that for the famous job of 'the Pilot,' the nation has paid, without estimating interest, compound or simple, a *douceur* of upwards of fifty millions, while the East-India Company has at the same time squandered or pocketed, but chiefly the former, something like a hundred millions sterling of the people's money, or in other words what would enable them to sweep off about an eighth part of their national debt.

The window duty, in its mode of assessment, is not less clumsy, nor in its operation much less unequal and pernicious, than the inhabited-house duty itself. A house with eight windows pays a tax of 16*s.* 6*d.*, or upwards of 2*s.* for every window; one additional window is charged, not at 2*s.*, but at 4*s.* 6*d.*; two additional windows will cost 5*s.* 9*d.* a-piece; a house with sixteen windows, instead of being charged with 2*s.* for every window, is charged at more than double that rate, or 4*s.* 11*d.*; a house with thirty-two windows is charged, not with 2*s.* nor with 4*s.* 11*d.* per window, but with 6*s.* 8*d.* The scale rises gradually in this manner by window and window, until thirty-nine windows are attained, when the duty on each is about 7*s.* Here appears to be what a mathematician would call 'the point of contrary flexure;' for on examining the scale, which just in this place takes to jumping by five windows at a time, the duty on forty-four windows is found to have fallen to 6*s.* 6½*d.* per window; on forty-nine to 6*s.* 5½*d.*; and so on with slow, reluctant, amorous delay, to a hundred, where the duty is 5*s.* 10½*d.* per window. After this the scale proceeds by tens, till it reaches 180, where each window pays 5*s.* 2*d.* The man of forty windows, it would appear, is exactly the man whom the fitness of things directs should pay the highest rate per window; at this point the feelings of the *moyenne aristocratie* come in, and the rate rises by slow degrees by about two-sevenths; but exactly at the pitch of 180 windows, the spirit of the *haute aristocratie* finds it time to rush in aid, and the high aristocracy are to pay for each additional window above 180,—not 7*s.* like the *bon bourgeois* of forty windows, nor 5*s.* 2*d.* like the middling aristocrat of a hundred and eighty, but *one and sixpence*. It is said there are some noblemen's mansions in England with a window for every day in the year. Such a palace would be charged at the rate of 3*s.* 3½*d.* per window, which is less than one half the rate charged on the houses of the middle classes, and above twenty per cent less than that charged on the house of the petty shop-

keeper with fifteen windows. The *luxury* of having more windows than 180 is charged to the nobleman at the rate of 1s. 6d. ; and the *necessary* of thirty-nine windows to the middle classes at 7s., or near five times as much.

The next subject of inequality in the operation of the window duty, refers to the size and quality of the windows. Except in a few peculiar circumstances, there is no difference between a large window and a small one, and none whatever according to their respective value. A window of twelve panes glazed with ordinary crown glass at 2s. a pane, and worth therefore in all but 24s., is charged the same duty as a window with the same number of panes of plate glass, and worth in all sixty guineas. The duty in the first case may be as high as thirty per cent, and in the last as low as little more than a-half per cent. As the panes in the latter case will be at least double the size of those in the former, and of course afford double the light, or be as good as two windows, the tax in this shape also is reduced one half. If, as is often the case, the better windows belong to the houses of the aristocracy, say to the house of a nobleman with 250 windows, then the real tax paid by the latter will not exceed one-fourth part of what is paid by the middle classes of society.

The window duty is not of necessity a charge on the rental, even supposing all windows were of the same size and the same value. A house in Grosvenor Square fetches double the rent that a house of the same number of windows does in Russell Square. Of course the tax on the rental is double in the one case to what it is in the other. A house with the same number of windows in the obscure purlieu of London, it is well known, will not fetch half the rent of one in Russell Square. The window tax therefore, is twice as heavy there as in Russell Square, and four times as heavy as in the fashionable quarter of Grosvenor Square. But setting the value arising from locality out of the question, the operation of the duty is quite unequal upon houses of different rentals. Thus a house worth 10*l.* per annum with eight windows, pays a duty equal to eight per cent on the rental; a house of 100*l.* rental with thirty windows will pay above twelve per cent on the rental; but a house of 300*l.* rent with fifty windows, will only pay five and a half per cent on the rental; a house of 500*l.* with sixty windows, will pay only four per cent; a house of 1,500*l.* a-year with 100 windows, will pay only two per cent; a house of 3,000*l.* a-year with 180 windows, will pay only one and a half per cent; and the palace with 365 windows, estimated at 6,000*l.* a-year, will pay only one per cent on its rental.

The wealthy have other advantages arising out of the window

duty. There is no window duty charged on the glass of hot-beds, hot-houses, and green-houses, which either belong to these classes, or are employed in raising luxuries which are beyond the reach of the middle and poorer classes: It may be said indeed, that no duty is charged on the windows of manufactories; but the advantages arising out of this, belong alike to all classes, as well to the rich as to the poor. The only advantages which the window tax possesses over the inhabited-house tax are, that it is less capable of favouritism on the part of the assessors, that its operation is more equal, and that it is not confined to the population of towns, but equally affects the country. Then, on the other hand, it is less productive than the house tax, amounting to little more than 1,200,000*l.*, or near 200,000*l.* less than the first. Such is the tax which some financiers defend. It may be described as a tax on ventilation, health, and comfort; a tax on light; a tax on architectural taste; a clumsy and preposterous capitation tax, unequal in its operation in every way in which it can be viewed; arbitrary and unprincipled in its rule of assessment, and vexatious in the collection. Lord Althorp insists on continuing it.

The hearth-tax, which was condemned more than 130 years ago as a badge of slavery, was more fair and equitable. The number of fire-places in a house does really bear some proportion to the value of the house and the income of the tenant; and as to the objection to hearth-money that it produced the necessity of domiciliary visits on the part of the officers of the revenue, this is equally applicable to the window-tax, since cross lights, or lights between one apartment and another, are equally taxed with those which are externally visible. In short, the window duty, which is incapable of amendment, which is paltry in its amount, and which now that its sister-tax is to be abolished must be virtually collected at a double charge, ought at once to be abolished also. There will be no rest for the Whigs until this be accomplished.

But this is not all, with the house and window duty. The gross amount of these two taxes, which in round numbers is about 2,600,000*l.*, is very far indeed from being the whole which is paid on inhabited houses. Almost every one of the materials of ordinary house-building had already been taxed, so that the house duty is but an additional tax upon these, and the window duty a tax superadded to both. Bricks are taxed, and unequally taxed; tiles, until the last year, were taxed and unequally taxed; and slates, until the year before; the heavy and unequal taxes on timber and glass have already been mentioned. Even paper hangings are taxed, and indeed three

times over, first in the raw material as it is imported, then in the Excise duty, and lastly in the Stamp duty on stained paper. Two-thirds at least of the duties collected on these different articles are derived from such as are consumed in the construction and repair of dwelling-houses. Exclusive of paper hangings, the following table will show the operation of these duties.

Material.	Total Taxes.	Two-thirds for Inhabited Houses.
	£.	£.
Glass	575,680	383,787
Bricks and Tiles	320,266	213,511
Timber	1,238,289	825,526
Total Duties	2,134,235	1,422,824
Timber Monopoly	1,500,000	1,000,000
Amount	3,634,235	2,422,824

Thus, therefore, the tax which we pay upon our habitations, exclusive of that small portion of the land-tax which falls on tenements, is not, as the house and window tax would seem to show, 2,600,000*l.*, but nearly double the amount, or full 5,000,000*l.*

Both the monopoly of timber and the high duty charged, either protect the landed aristocracy or directly put money into their pockets. The great proprietors, with the exception of glass and paper, might almost build and furnish their houses without contributing to the public revenue at all. The bricks are charged with no duty unless made for sale,—as manifest a fraud, as if they had put a tax on butcher's meat with an exception in favour of every man rich enough to kill his own mutton; the tiles, when tiles were taxed, were exempted, not only when made for private use, but under all circumstances, when used for agricultural drains. The quarries of sand-stone, granite, and marble, paid no duties; and the forests of oak, fir, larch, and beech, might be applied without paying any duty to the construction of the mansions of the nobility and gentry. In this manner, a great proprietor might, for the most part, build his house tax-free.

With respect to the direct taxes which fall on luxuries, or such as fall more particularly on the upper classes, the number is small and the amount trifling, probably in all not a million and

a half. They are as follow;—The tax on male servants, on riding horses, on race horses, on dogs, on game certificates, on armorial bearings, on hair-powder, on post-horses, on gold and silver plate, on cards and dice, and on carriages used for luxury. Even these however, as the tax on riding horses, on gold and silver plate, on post-horses, and on carriages, fall equally on the middle classes.

Stamps, as a tax, are supposed to have been invented by the Dutch in 1624; but vestiges of such an impost have existed from time immemorial in some countries of the East, as China and Hindostan. Licenses for carrying on particular trades are in fact of the same character, and have existed in almost every country in which the art of reading and writing and squeezing money from the people has been understood. Stamp duties were introduced into this country in 1673, in the reign of Charles II, and amounted generally to about 22,000*l.* a-year. The many multifarious and incongruous taxes which come under this head, at present amount, in round numbers, to 6,500,000*l.* sterling per annum. Many of them however,—such as the duty on stage-coaches, post-horses, advertisements, &c.,—have no more connexion with the stamps than with the Excise or land-tax. They may be divided into taxes on legal proceedings, taxes on luxuries, and taxes on knowledge; the last of which is reserved for a separate head.

A brief examination of these duties will easily show their gross and scandalous inequality. The stamp for a receipt of 5*l.* is 3*d.*; and for double the amount the same. The stamp for a receipt of 500*l.* is 7*s.* 6*d.*; and for one of double the amount bating one farthing, the same. The stamp for a receipt of 1,000*l.* is 10*s.*; and for 10,000*l.* or for "1,000,000*l.*, it is no more. The stamp for a bill of exchange of 2*l.* drawn at short date is 1*s.*; and for 1000*l.* it is 12*s.* 6*d.* If the proper proportion had been observed, it ought to have been 25*l.*, or forty times more than it is. The stamp for a bill of 3,000*l.* is 25*s.*, and it is exactly the same for 300,000*l.*, or for any higher amount. The stamp for a bond for 10*l.* is 1*l.*, which is ten per cent on the amount. The stamp for a bond of 50*l.* is no more; or only two per cent, or one-fifth of what it is on the smaller amount. The stamp for a bond of 500*l.* and one farthing, is 5*l.*, or one per cent; and for a bond of 2,000*l.* bating one farthing, it is the same; so that for the higher sum it is but one quarter per cent, or a tax of one-fourth part of what it is for the smaller sum. The stamp on a bond for 500*l.* and a farthing, being 5*l.*, the stamp on a bond for 20,000*l.* ought to be 200*l.*, but it is only 25*l.*, or one-eighth part of the rate levied on the lower sum. If the stamp for a

bond of 10*l.* be 1*l.* as already stated, that for 20,000*l.* ought to be 2,000*l.*; the rate on the lower sum is therefore eighty times as great as it is on the higher. But more than this, if the sum exceeds 20,000*l.*, the stamp duty still continues 25*l.* and no more. To be sure there is a progressive tax of 25*s.* for every fifty-two folios of seventy-two words each, or upon every additional 1,080 words beyond the first 1,080; but this applies to a small sum as well as a great, and refers to the difficulty and complexity of the arrangement, and in no respect to the amount of the property. The stamps on mortgages are the same as those on bonds. The stamp on a conveyance of 20*l.* is 1*l.*, and on 500*l.* it is 6*l.*; whereas if a just proportion were observed, it ought to be 25*l.* The stamp for a conveyance of 750*l.* is 9*l.*, and for one of 20,000*l.* it is 240*l.*, while for an additional sum of 10,000*l.* bating one farthing, it is no more. The stamp for a conveyance of 100,000*l.* is 1,000*l.*, and for all higher sums there is a total exemption beyond this amount. In the last case, had the proper proportion been observed with the first named sum or 20*l.*, the tax ought to have been 5,000*l.*; and for double the amount it ought, of course, to have been 10,000*l.* The tax on the poor man therefore, is five per cent, and on the rich man one per cent, or indeed a fraction almost imperceptible when the sum becomes very high. The stamp for the lease of a cottage of the yearly value of 10*l.* is 1*l.*; and that for a farm of 1,000*l.* or any higher sum, is but 10*l.*; so that in this case the peasant pays a ten times higher tax than the wealthy capitalist. The man who gives a bond or a mortgage is a borrower, and therefore cannot be supposed to be in easy circumstances. The man who makes a settlement must be supposed to be in easy circumstances. Notwithstanding this, the man who makes a settlement, for all sums not exceeding 10,000*l.*, pays no more than one-half the stamp-duty which is paid by him whose necessities compel him to give a bond or mortgage. Here then are ample proofs of villainous legislation, legal plunder, partiality to the wealthy and oppression of the poor. The problem of the aristocracy in all things, has been to lay taxes so that the degree in which every man shall pay a greater share in proportion to his poverty, shall be a maximum. Most of the duties now enumerated may be considered as taxes on law proceedings, or what have been very properly called taxes on justice. With equal propriety the taxes on insurance against fire and sea risk have been designated taxes on prudence. The stamps on marine insurance were so high, that the business was gradually quitting England, and rapidly settling in Hamburgh, Rotterdam, and Amsterdam; and this circumstance, and not a

sense of justice, forced the Legislature last year to reduce the amount of the tax.

The legacy-duty being an *ad valorem* one, is upon a principle of assessment much fairer than any of the foregoing. The probate-duty is a specific one, and in its principle generally is rated in the same manner as the stamps on mortgages, conveyances, &c. It differs however, according as letters of administration are granted with a will or without a will,—a senseless, oppressive, and needless distinction, which visits the children with more than Jewish vindictiveness for the neglect of the father, even to the third and fourth generation. A property of 100*l.*, with a will annexed, pays a probate-duty of 2*l.*; and if there be no will, 3*l.* Double the sum or thereabouts, pays no more. A property of 1,000*l.* pays 30*l.* under a will, and 45*l.*, or half as much more, without a will. A property of 100,000*l.*, with a will, pays 1,500*l.*; and without it, 2,250*l.* In proportion to the first named sum, the 100,000*l.* under a will ought to pay 2,000*l.*, and without a will 3,000*l.* A property of 1,000,000*l.* sterling pays a probate-duty of 15,000*l.*, with a will, and 22,500*l.* without one; but in due proportion to the 100*l.* it ought to pay, with a will 20,000*l.*, and without a will 35,000*l.* No excess beyond 1,000,000*l.* sterling is charged with probate-duty at all, with a will or without. Sir Robert Peel and Mr. Arkwright received their extra sums without contributing a farthing on them to the public revenue. If a merchant leaving an estate of 500,000*l.*, should die intestate, and leaving debts upon it to the extent of 450,000*l.*, the probate and legacy-duty must be paid, *not upon the nett but upon the gross estate*; and, including law and other charges, the heirs would in all probability be beggared. If children inherited, the probate and legacy-duty would amount to 16,250*l.* If uncles, aunts, or first-cousins inherited, they would amount to 26,000*l.* This is a case of gross oppression. The only estate of the deceased was, of course, what remained after paying his debts; and to make the heirs pay the tax upon the debts, is nothing more or less than wantonly increasing the rate of the tax, in a way to which there is actually no limit, and which may by possibility amount to a million, or to a hundred millions, per cent upon the residue. The ignorant wrongheads that made this law, were probably as innocent of the knowledge of what they were doing, as they were of algebra; but were they fitter to be the sole and privileged legislators, than the hod-men of St. Giles's?

Real estates, or lands, *are wholly exempted from the probate and legacy duty*; and this affords the most flagrant and impudent example on record of the dishonesty of aristocratic legisla-

tion. This exemption in favour of the land, is thought to produce a yearly loss to the revenue of from a million and a half to two millions. A few years ago, a nobleman in the west of England died, leaving a clear unencumbered landed estate of 50,000*l.* per annum, worth at thirty years purchase a million and a half sterling. A distant relation inherited this property, and did not contribute one farthing to the public revenue. Had a merchant left a personal estate of the same amount, and had it been inherited by a relation in the same degree of consanguinity, he would have paid into the exchequer 172,500*l.*; viz. legacy duty at ten per cent, 150,000*l.*, and probate duty without a will 22,500*l.* Here therefore is a distinct case, where the land-owners had said, 'Let us take advantage of our monopoly of parliament, to run away with 172,500*l.*, and put it into the pocket of one of ourselves.' Had he paid, as justice demanded, a probate duty in the same proportion with the inheritor of 100*l.*, his contribution would have been 195,000*l.* It is given out, that in a few years the Marquess of Westminster will be possessed of landed property of the yearly value of 365,000*l.* At thirty years purchase, this is worth near eleven millions sterling. Even if the noble peer had no immediate heir, this immense property might go to a tenth cousin without contributing a farthing to the public revenue; nor need his lordship even give himself the trouble of making a will to ensure this. If the heir, whoever he may be, contributed in the same ratio with the inheritor of a paltry 200*l.*, he would pay into the exchequer as legacy-duty 1,100,000*l.*, and as probate-duty 440,000*l.*; in all 1,540,000*l.* The popular account of the Marquess of Westminster's property may be, and most probably is, an exaggeration; but the illustration is not the less pertinent on that account. A legislative larceny is the mildest term which can be applied to a law which is productive of such results as this. It should be added, on the subject of the legacy and probate duty, that they are highly vexatious in the collection, and that the Stamp-Office often, for years together, keeps up an incessant correspondence with the contributors, insisting upon the most minute and technical particulars; a proceeding perhaps necessary to the realization of the fiscal robbery, but certainly condemnatory of the tax.

If the taxes now referred to, were necessary for the purpose of raising a large revenue, the proper course to be pursued in imposing them would be to assess the duty on the value, exempting petty sums from their operation, because on these petty sums the law charges are nearly as heavy as upon the largest, and at all events very disproportionate in their weight. That the

ad valorem rate is practicable, is obvious enough from its having been long in operation with the legacy duty.

The next division of the subject, is what has been appropriately stigmatized by the name of 'Taxes on Knowledge.' These, at the same time, comprehend taxes on the conduct of commerce, itself a branch of knowledge. The whole of the following may strictly be considered as coming under this head; viz.—

	£.
Post-office monopoly	1,400,000
Newspaper stamps	480,000
Advertisements	180,000
Almanacks... .. .	30,000
Stage-coaches	420,000
Excise on paper	750,000
Customs on foreign books	12,000
Customs on quills and galls	6,000
Customs on rags	2,500
Customs on paper	1,500
Total,	3,282,000

Here is a sum exceeding three millions and a quarter, paid by the people to impede the progress of their own knowledge, communication, and commerce; in other words, to keep themselves in ignorance and poverty. Beginning with the post-office;—This is, of course, a State monopoly; and if it had not been an exclusive traffic of the government, instead of having a large revenue it is certain, considering the extravagant and generally most slovenly manner in which it is conducted, that it would not defray its own expenses. The nett receipts being about 1,400,000*l.*, and the charges about 700,000*l.*, the cost of collection is fifty per cent. Of course from this charge ought to be deducted the lowest cost at which the establishment of the posts could be economically and efficiently conducted. A few samples will show the scandalous extravagance of the existing establishment. Until of late years there were two Postmasters-General, and it was with great difficulty that the public got rid of one of them; the Tory administration of the time arguing for the absolute necessity of a pair of these worthies, although one of them at the moment was ambassador at the Hague with 11,000*l.* a year, and is down to the present day drawing a pension of 2,000*l.* a year. The late Postmaster-General was a Duke and Cabinet Minister, and drew 2,500*l.* a year. The present Postmaster-General is an Irish Marquess, and not a Cabinet Minister; in all other respects unknown to

the public, except as the drawer of the wonted 2,500*l.* a-year of their money. This Postmaster-Generalship is virtually a sinecure, as far as the mere waste of the public money is concerned ; but it is infinitely more mischievous than an ordinary sinecure, since the whole influence of an inexperienced Peer has hitherto been exerted only to protect existing abuses. The Secretary of the Post-office, who performs the real duties of the Post-master-General, draws a salary of 4,165*l.* per annum, and till lately drew one of 4,565*l.*, or eighty-two per cent more than his principal. There are 13,700*l.* of pensions charged on the Post-office revenue. Of these, in one state or another, there has been paid to the Duke of Grafton 4,700*l.* a-year since the death of his reputed ancestor Charles II who died near 150 years ago. Without interest, therefore, this illegitimate family has received upwards of 700,000*l.* of the money of the people, and in the existing state of the representation is likely to receive a good deal more. The heirs of the Duke of Schomberg, (who they are, no one can tell) a Dutchman, killed as is supposed by the mistake of his own men, also Dutchmen, at the battle of the Boyne, 144 years ago, receive 4,000*l.* a year from the British Post-office. This foreign family therefore, has only pocketed 576,000*l.* of English money, omitting interest. The family of the Duke of Marlborough has been a drag upon the revenue of the same Post-office since the year 1702, to the extent of 5,000*l.* per annum ; of course in the lapse of 132 years it has received 660,000*l.*, not to mention the manor of Woodstock, the palace of Blenheim, and the great John's great appointments and greater peculations. Thus these three ducal families have received of the people's money near two millions sterling, while it would take half a million more to buy these pensions out. Here are strange but veritable examples of taxes on knowledge..

Owing to the gross mismanagement of the Post-office department, the nett, and even the gross revenue, have been falling off since 1815. In that year the latter was 2,614,467*l.*, and in 1833 only 2,175,291*l.* ; a decline in eighteen years of near half a million. In 1827 the nett revenue was 1,702,800*l.*, and in the year ending the 5th of January 1834 only 1,386,000*l.* ; a decline in six years exceeding 300,000*l.* Our population has increased since 1811 by about six millions ; our commerce has been enlarged ; the continent of Europe has been opened to our correspondence ; steam navigation has acquired importance ; everything has gone forwards, except the Post-office, which has gone backwards.

The probability is, that the whole charge of conveying the posts and foreign mails, is more than double what it might be

reduced to, did no government monopoly exist; or that what costs 700,000*l.* per annum, might be better done for about 300,000*l.* per annum. Supposing this to be a probable estimate, then the monopoly profit charged by the government on the conveyance of letters, will amount to the exorbitant one of 600 per cent, or seven times what it ought to be. Such is the tax imposed through the instrumentality of the Post-office on knowledge and commercial communication, without reckoning the newspaper stamps, which added to the postage would raise the actual tax to near 800 per cent. Even from this estimate of the Post-office revenue, another important and legitimate deduction is to be made. The mail-coaches pay no turnpike tolls, and the horses and coaches pay no duty. These should be reckoned in the Post-office expenses, to form a correct judgment of the profits of the monopoly. The packets also, with the same view, ought to be subjected to all the charges of merchant vessels. The people in all these cases pay the money, and why should they not know how much they are paying?

The conveyance of the mails is an improper source for a public revenue. In thinly peopled countries such as America, or in semi-barbarous ones such as Russia and British India, the Post-office can perhaps only be managed through the agency of government, and then it is a legitimate means of promoting civilization. A few poor and remote parts of our own country, but hardly any of our colonies, or of our connexions with foreign countries, would demand the interference of the State in this matter. In a word, there may be cases in which it may be the duty of the government to expend money in promoting the correspondence and intercourse of the people, but none in which it becomes it to make such correspondence and intercourse the instrument of raising a revenue. In such a rare case, the affair should be done through open contract with private individuals, as is at present done with the mail-coaches, the only well-conducted branch of the existing establishment. Through the competition of private individuals, rendered responsible by law, the posts would be conducted, not only more cheaply, but more speedily and frequently, and as safely as by a public establishment. At present there is only a single delivery of the General Post daily in any part of the kingdom, even in the most busy places, where parcels and passengers arrive ten, fifteen, and even twenty times in the course of the day. Where it is necessary that the State should take upon itself the management of the mails, the charge should be strictly limited to what is necessary.

to cover the expense of conveyance. The United States of America act strictly upon this principle. In those more fortunate regions, man is rid of the load of a lumpish oligarchy, whose only instinct is to snatch the most it can out of the cup of human blessing, with the greatest injury to the remainder by the beastly-awkwardness of the process.

The revenue derived from newspaper stamps approaches to half a million a year. The stamp on a newspaper is fourpence, whether that newspaper sells for sevenpence, or a shilling, or any higher sum. The tax on the newspaper at sevenpence, therefore, is 133 per cent. In this case, however, there is a discount of twenty per cent; so that the actual percentage is only 106 per cent. If the newspaper from its size and matter cannot be sold for sevenpence, and to be profitable it must be sold for eightpence or any higher sum, then the discount allowed by the Stamp-office is only four per cent instead of twenty per cent. This is the case with most of the weekly papers, and makes a difference consequently of sixteen per cent in the duty against them and in favour of the daily papers, which are all sold at sevenpence. The nominal charge of conveying a newspaper from one part of the United Kingdom to another, is fourpence, without allowing for the discount; but as the local consumption is also charged with the stamp, it is probable that the actual charge is not less than double this amount, or eightpence. To convey a newspaper over the wide bounds of the American Union, costs about one Cent, or a halfpenny; and as there is of course no stamp, the conveyance of our newspapers may be estimated to cost us about sixteen times as much as it does the people of the United States. The necessary effect of this upon the diffusion of newspapers, which is pretty nearly the same thing in this case with the diffusion of knowledge, is sufficiently striking. The Americans, excluding two millions of slaves who neither read nor write, are ten millions in number, and publish sixty millions of newspapers yearly, being at the rate of six papers for every individual. Our population, including such portions of our colonies as take English papers, cannot be reckoned at less than twenty-five millions, and we publish at the utmost thirty-five millions of newspapers, being at the rate of one and two-fifths for each individual, or less than one-fourth part of the proportion published in America. To equal the Americans we should publish, not thirty-five millions, but 150 millions of newspapers. This however, ought not to be the proportion. We ought to publish more in proportion than the Americans, because, taxes excepted, newspapers as a manufacture are naturally cheaper in this country,

and our mode of conveyance for them is both more cheap and expeditious.

The tax on advertisements is, *par excellence*, a tax on knowledge and industry. When the tax was 3*s.* 6*d.* it produced only 180,000*l.* to the public revenue; and now that it is reduced to one-half, it will probably not produce above 100,000*l.*; or about one five-hundredth part of our gross income. A Chancellor of the Exchequer of common spirit, would have abolished this contemptible and vexatious impost altogether; but Lord Althorp, after his niggling fashion, only took off half. Upon the printing, paper, and boarding of 500 copies of an octavo volume, costing about 140*l.*; the mere advertising duty will come to 20*l.* or above fourteen per cent. Upon advertising, the duty before the late change equalled the cost of printing and publication, or was a tax of 100 per cent on the act of making the existence of the book known to the public. It is still a tax of fifty per cent. A maid of all work advertises in the newspaper for a situation worth 10*l.* a year, and pays the State half-a-crown. The Lord Chancellor is gazetted for a place of 14,000*l.* a-year with a retiring pension of 5,000*l.* per annum, and pays nothing, the State being even charged with the printing. A servant out of place advertises for one, and pays his tax of half-a-crown; his last master advertises his estate worth 100,000*l.* for sale, and pays exactly the same money.

A very few remarks will suffice to describe the duties upon paper, which are as heavy, vexatious, and unequal, as on any other article. The total value of the paper manufactured in the kingdom is estimated at 1,200,000*l.*, and the gross duty being taken in round numbers at 750,000*l.*, the average rate of taxation is sixty-two and a half per cent. This, however, is unequally and capriciously imposed. On the finest paper the duty will not exceed twenty-five per cent on the value, while on the coarsest it will amount to eight times as much, or 200 per cent. The paper of a useful book shall be taxed at 100 per cent on its value, while a fine lady may write her *billet doux* with one-fourth part of the same charge. The wrapping paper of a poor woman's ounce of Bohea, may be taxed at the rate of 200 per cent, and a fine lady's pound of Pekoe will be contained in a nice envelope taxed at half the amount. This regards the Excise duty only; but then the rags, which are almost all imported, pay a small Custom duty, and stained paper, besides Customs and Excise, pays stamps also, falling, as usual, most heavily on the coarsest description of the article.

Among the taxes on knowledge ought to be included the monopoly of printing Bibles and Prayer-books, and even of

printing and publishing the very laws themselves, together with the Parliamentary Returns of our revenue, manufactures, and commerce. The law declares that no man shall plead ignorance in extenuation of a breach of it; and in the very same breath, it taxes an acquaintance with it so heavily, as to make a proper knowledge of it inaccessible to the great body of the people. The government will neither instruct them itself, nor allow them the chance of acquiring the knowledge for themselves.

Of the monopolies there is little more room left than for a bare enumeration. These are greater in their amount, more onerous, and more pernicious, than the avowed taxes. The reformed parliament has rid us of one of these monopolies, the least considerable, and, although bad enough, the least pernicious. This was the monopoly of tea and of the trade with the Chinese Empire; which besides costing us two millions per annum, threw insuperable obstacles in the way of an extended commerce with the most industrious country of Asia, containing a population, ascertained by actual census to be 370,000,000, or above half as much more than all Europe put together. The remaining monopolies are those of corn and other agricultural produce, the monopoly of tropical productions, and the monopoly of the Church. For the extent of the monopoly of agricultural produce, including with corn all articles of food, or articles of first necessity, as timber, hides, leather, tallow, &c., the reader is referred to the last number of this Journal*; and for that of the tropical products, to the 37th number†. With respect to the first of these or the corn monopoly, the following statements may be added as examples of the profligate character of the bread-tax. About the time when this article was written, the duty on foreign wheat was near 40s. per quarter; which, on the prime cost, would give at the undermentioned ports, the following *ad valorem* duties;—

Antwerp	..	..	..	..	120 per cent.
Amsterdam	..	..	..	..	130
Hamburgh	..	..	..	..	143
Naples	..	..	..	..	148
New York	..	..	..	..	160
Stettin	..	..	..	..	166

Upon all these questions, the Whigs have had their day of

* Westminster Review No. XL for April, 1834. Article 'Monopoly of Food.'

† Westminster Review No. XXXVII for April, 1833. Article 'Sugar without Slavery.'

grace. What a nation this might be, if it could throw off the unjust burthen of the upper classes, who ride on the shoulders of the middle and industrious ones like the Old Man of the Sea, turning each several of nature's blessings into bitterness, and operating upon the general happiness, greatness, and power, as a clinging log, a sticking evil, whose weight can only be paralleled by the odious manner of its application.

The Church monopoly is the last, but not the least, upon the list. On a careful inquiry into the Church property of England and Wales, it will probably not be over-estimated, as follows. The whole tithes may be taken at seven millions sterling. Two millions of this amount are lay tithes, being a private property, as well titled as the church lands now in possession of the Russells, the Cavendishes, and others. The remaining five millions are good public property, although at present unjustly and extravagantly misapplied for the maintenance of the religious establishments of one part of the people. If it is asked, why one portion of the tithes is not alienable, and the other is, it is simply because one has ceased to be public property, and the other has not. If any body has a quarrel with the transfers by which these portions of the public property became private, he must lay his action against the ghost of the Eighth Henry, or as the case may be. But there is no occasion to wait the issue of this suit, to know that what *is and always has been* public property, is as alienable as the colonelcy of the 150th Foot, a moderate regard being had to the interests of actual holders. The church lands, fees, offerings, &c. may be estimated for England and Wales, as amounting to two millions more, making the whole public income applied to the maintenance of the Church of England, in this part of the United Kingdom, seven millions sterling.

In the evidence given before parliament, the total church property of Ireland, including 700,000*l.* for tithe, is reckoned at no more than 1,100,000*l.* per annum; but this is palpably an underestimate, for a country which is subject neither to poor-rates nor to land-tax, and where the lay-tithes, instead of being two-sevenths of the whole as in England, are not calculated to exceed 110,000*l.* or between one-sixth and one-seventh part of the entire tithe. As to the church lands of Ireland, there seems to be no estimate given of their value or extent, though they are described as being in a high state of cultivation. The Bishops lands amount to 700,000 acres, and although they compose some of the choicest lands of that kingdom, they are represented in consequence of their bad state of culture to be worth yearly no more than 175,000*l.*, or *3s.* per acre. Upon the whole, the

previous estimates, which made the church property of Ireland a million and a half, may be considered as a much nearer approximation to the truth than the parliamentary estimate.

The income of the Presbyterian church of Scotland, has been estimated at 250,000*l.*, or thereabouts; but this is greatly under-estimating it, for the manses or houses of the clergy, and the glebe attached invariably to each living, are omitted, as well as the fees paid both by Dissenters and Churchmen, for baptisms and marriages, to the pastor and session-clerks, with considerable sums raised in towns by a per-centage on house-rents in some situations, together with the sums raised for building and repairing churches. Upon the whole, probably, the real income of the Scotch Church is not under half a million a year.

The property then of the established Churches of the United Kingdom, may be taken in round numbers at nine millions sterling. Supposing the followers of the Established Church in England and Wales to amount to one half of the population, the followers of the established Church in Ireland to half a million or about one-sixteenth part of the population, and those of Scotland to two-thirds of the population, then the total followers of the two established Churches will amount to nine millions, while the Dissenters, including the Roman Catholics and others, will amount to fifteen millions. Supposing this to be a probable estimate, the following tabular view will exhibit at a glance, the pecuniary charge, and the incidence, of the Church monopoly.—

Kingdom.	Population.	Established Church.	Dissenters.	Church revenue.	Amount paid by Dissenters.	Charge for spiritual instruction for conformists, per head.
				£	£.	£. s. d.
England and Wales.	13,894,574	6,947,287	6,947,287	7,000,000	3,500,000	1 0 1
Ireland	7,767,401	500,000	7,267,401	1,500,000	1,403,444	3 0 0
Scotland	2,365,807	1,577,205	788,602	500,000	166,806	0 6 4½
United Kingdom.	24,027,782	9,024,492	15,003,290	9,000,000	5,070,110	0 19 11½

This table is sufficiently instructive; it establishes the characters of monopoly, inequality, and extravagance, in a very striking and conclusive manner. Fifteen millions out of a population of twenty-four millions, or sixty-two out of every hundred inhabitants of the kingdom, contribute the enormous sum of five millions and upwards, to a Church establishment from which they derive no benefit; while they have their own spiritual establishments to maintain besides. The worst spiritual instruction which is given, viz. that bestowed by the Irish Church, costs at the rate of 3*l.* per head, or 15*l.* per family, for

its communicants. The next worst, or that of the Church of England, costs very little more than one-third of this sum; and the best, that of the Church of Scotland, costs less than one-third of the last, and less than one-ninth of what the worst costs. What is remarkable in all this is, that the whole clergy of the established forms of worship, are far from being well paid on an average. Supposing them to be, what everybody knows they are not, efficient,—some of the dignitaries of the English and Irish churches receive from 10,000*l.* to 30,000*l.* a-piece, or are pampered, for doing next to nothing,—indeed for doing positive mischief, if their legislative functions are included; while the majority are over-worked on a pittance of from 30*l.* to 100*l.* A leading dignitary of the English church stands up in his place in parliament, and protests that no gentleman can be got to superintend the church of Christ under 4500*l.* a-year, or to do the work which was far better done by the fishermen of Galilee for less than the same number of farthings. Even the Scotch clergy, who are most equally paid, or most appropriately paid in proportion to the duties they perform, are not well, and indeed not adequately paid. Their incomes never fall short of 200*l.*, including glebes and manses; but there are not half-a-dozen cases in which they reach 1,000*l.*, the average being perhaps about one-third of that amount. This is a much less liberal reward than is paid to the clergy in America, where there is a free commerce in religion; more especially if it be considered that almost all the necessities of life cost less than one half of what they do in this country, and its luxuries less than one third. In the meanwhile the clergy of the Dissenters are also poorly and inadequately paid, for it is not reasonable to suppose that the Dissenting body can have either the heart or the ability to pay liberally for their own church when they have to pay extravagantly for another besides.

The following is an enumeration of the pecuniary cost to the country, of the different monopolies which have been now described.—

	£.
Monopoly of the Corn Laws	30,000,000
Monopoly of other articles of food and necessity	15,000,000
Monopoly of Colonial products	6,000,000
Interest of paper currency jobbed away instead of being put to the public account	1,000,000
Monopoly of the Church	9,000,000

Total

£ 61,000,000

Here are annual burthens upon the people, which exceed by twelve millions sterling the total amount of the public taxes including the charges of collecting, and which are by four millions more *than would pay the interest of the national debt twice over*. It may be added, that the joint annual amount of the public taxes and monopolies is not less than a hundred and ten millions sterling. To this moreover are to be added, the parochial assessments and poor-rates; those in 1831, for the United Kingdom, amounted to 8,622,920*l*.

In the exposition now given of the fiscal system and the other burthens borne by the people, the evasion of taxation by the legislative classes and the heavy pressure of taxation upon the middle and industrious classes have been sufficiently exposed; but there is still another view of the subject, not often enough insisted upon, which merits a few words. It is this,—that however equably a tax may be imposed, if it be a tax upon a necessary of life, upon an article of which the consumption is more or less physically limited, and of which in quality and amount there is little difference in the consumption of the peer and the peasant, it must of necessity fall with a disproportionate rate upon the lower classes. Such impost, in fact, assumes more or less of the character of a capitation tax. The most notable example of this is salt, which has been, and is, a subject of taxation in almost every country in the world, and commonly aggravated by the existence of a monopoly. The highest duty upon salt in this country was 15*s*. per bushel; and the average price being taken at 15*s*. per ton, the tax was of course forty times the value of the article, or it was an *ad valorem* duty of 4,000 per cent. A labourer in constant employment, earning 30*l*. a-year, having a family of five individuals, would consume, on the average estimate of the consumption of salt throughout the kingdom, which is 22*lbs*. per head, nearly two bushels of salt; his tax therefore, would be 30*s*.,—equal to five per cent on his income,—being a capitation tax of six shillings per head. The artizan, with the same family, and earning double as much, would pay but two and a half per cent.; and the shopkeeper, earning 150*l*., would pay but one per cent. The Duke of Northumberland, with the same family, would use nearly the same quantity of salt, while the difference in quality would be a mere trifle. With an income of 240,000*l*. a-year, he would pay, therefore, the same capitation tax of 6*s*. a head. But suppose His Grace to have a family and retinue of 100 persons, he would then contribute to the salt-tax 30*l*., or one eight-thousandth part of his revenue, while the rural labourer on his estate would contribute one-twentieth part of his. It is pretty

clear that a tax on air, or on water, if they could be levied, would not be more unjust and unequal than a tax on salt; the loss of which, notwithstanding the many advantages which have followed its abolition, has been deeply regretted by some financiers in this country. The bread-tax, produced by the operation of the Corn-laws, is of nearly the same character as the salt-tax; the quantity and quality consumed by the different classes of society being nearly the same in all. The Corn-laws enhance the price of bread in this country to about double what it is on the continent of Europe, or raise the price of the quartern loaf from 4*d.* to 8*d.* Of a labourer's income of 30*l.*, with a family of five individuals, one-half is expended on bread, or substitutes for it equally enhanced in price. Of this half, a moiety is bread-tax, so that the poor man is paying an income-tax of twenty-five per cent. This tax becomes moderate as we advance in the scale of incomes, and as the incomes become large it becomes imperceptible. Of the same character, although not equally so, are the taxes on pepper, tobacco, sugar, beer, and even on tea and coffee. A man with an income of no more than 60*l.* a-year will consume 10*lbs* of tobacco, and thus contribute 30*s.* to the revenue, one-fortieth part of his income. The man with an income of 6,000*l.* a-year will not contribute more,—indeed hardly so much. In short, the artisan and the man of fortune each pay their capitation tax of 30*s.*, the only difference consisting in this, that the latter, consuming a better article, pays a lower duty on the value.

But besides articles of personal consumption, there are other imposts which fall with peculiar weight on the poor, originating in the same principle. The double tax on timber, viz. the monopoly tax and the fiscal; the double tax on window-glass, fees on baptisms and marriages, the tax on paper, the postage of letters, (from which eleven hundred of the nobility and gentry, with their relations, friends, and acquaintances, are exempted), together with the tax on advertisements and newspapers, are all examples. In a country in which the diffusion of knowledge ought to be one of the first necessities of life, and in which in fact the people begin to feel that it is so, the tax on newspapers makes a newspaper inadmissible to the poorer classes, renders it a luxury to the middle classes, while it is unfelt by the richer classes. The yearly cost of a daily paper is 9*l.* 2*s.* 7*d.*, equal to from one-third to one-fourth of a labourer's whole wages. Out of this the excise on paper and the stamp duty probably amount to 5*l.* 17*s.* 4½*d.*, or to a tax of 180 per cent on the value. This tax alone would amount to from a sixth to a seventh part of a labourer's whole income; of course a daily paper is

inaccessible to the poor. A weekly paper complete in its news department, and replete with useful information, will cost one shilling, or 2*l.* 12*s.* per annum. Even this is inaccessible to the poor. Were there no taxes, such a paper might probably be sold for about 20*s.* a-year; and when distributed between four or five families, the charge would hardly be felt. While such taxes as these continue, it is but insult and idleness to talk of the imperative necessity of knowing the laws, of the diffusion of knowledge, and of systems of national education. At the very moment that ministers are declaiming on these topics, they are designedly taking the most effectual means to keep the people in ignorance, by making the most agreeable, and efficacious means of communicating knowledge inaccessible to them.

From taxes on articles such as are above alluded to, it may be said that the evil of their falling more heavily on the middle and poorer classes is naturally and necessarily inseparable. This is true enough; and the ready answer to such objection is, that they ought not to be taxed at all. They are selected by the taxing classes *because* they operate unjustly; and the outcry with which the same classes receive every approximation towards the only tax fit for a free people, a property-tax, is evidence of the motive. One curious fallacy they put forth, is that the property is not equal to the payment of the taxes. This is the blunder of the political economist who said, that tithe could not be taken out of rent, because the tithe of an acre of carrots was 8*l.* and the rent only 2*l.*;—not discerning, that if the tithe in its present form were removed, the rent would rise to at least 10*l.*, out of which it is possible enough to take 8*l.* So in the case of a property-tax, if other taxes were removed by feasible gradations and property-tax proportionally substituted, the property in men's hands must rise by at least the amount of the taxes removed;—so that if the government can only invent the organisation that shall get at a due estimate, veritable or proportional, of men's property, there can be no difficulty in levying any sum that can be levied now. Such a process, besides causing the taxes to be paid by the rich instead of the poor (which of course the rich will resist as long as they are able), would finally double or treble the wealth of the community at large, by cutting up by the roots the system of throwing away wealth in all directions, to give half or a third of it to knots of monopolists in different quarters.

On considering the character of the overbearing oligarchy which has so long ruled this country, the results will surprise no intelligent observer. That oligarchy not only places the main burthen of taxation on the people, but in manifold ways contrives

to reimburse itself for its slender share of the public contribution. As long as such a power exists, the taxes will continue substantially undiminished; and therefore the whole efforts of the people should be directed to rid themselves of the incubus by intelligent, peaceable, and vigorous exertions.

A glance at the different departments of the government will at once show the nature of the legislation which may rationally be expected from it. To begin with the House of Commons; every one of the 658 professed representatives of the people is, by law, with the exception of the twenty-three Scotch borough members, to be a landed proprietor; and it is only by a species of collusion that a few who are not so, find their way into the House. Out of the whole number, 258 represent counties and universities, that is, represent directly the peculiar interests of the land, or to be more distinct, the landed aristocracy. The 400 remaining members are, by the theory of the government, supposed to represent the manufacturing and trading interests; but in practice this is but an idle hypothesis. There are few boroughs in the kingdom of fewer than ten thousand inhabitants, which are not more or less under the influence of the landed aristocracy; and there are many exceeding that population which are so. Of boroughs of under ten thousand inhabitants, there are in the United Kingdom 116, returning 177 members. This by itself raises the rural representatives to 435, leaving a virtual majority in favour of the agricultural interest of 212, or making it preponderate in the proportion of two to one to the commercial and manufacturing interests.

In the enjoyment of Church patronage, or in other words, interested in the continuation of one of the most flagrant of the public abuses, there sit in the House of Commons 79 members; and there are 166 members immediately connected with the peerage, exclusive of the many connected with the great commoners who are proprietors of the land, and who are of the peerage in almost everything but the title. To this is to be added, the advantage conferred by mere wealth, through the absence of the ballot, and the absence of a constituency of householders too numerous and independent to be bribed, cajoled, or intimidated. At the last general election, each of 258 county elections cannot be supposed to have cost less on an average than 3,000*l.*, while the 400 city and borough elections may be very moderately estimated at 500*l.* a-piece. Thus a general election of the Reformed Parliament cannot be estimated at a smaller sum than a million; and, if there are added twenty-five vacancies per annum during the existence of

a parliament, the sum will greatly exceed that amount. Nearly the whole of this sum is expended to maintain an aristocratic influence,—to maintain an influence hostile to the well-being of the people,—in short, is a premium for bad government.

In the hereditary branch of the legislature the case is of course infinitely worse. Every one of the 426 Peers is a landed proprietor, and the value of their rents is considered not to fall short of 6,000,000*l.* per annum. The thirty bishops draw, it is understood, about 350,000*l.* a-year of the public money. Besides these, there are in the Upper House placemen, pensioners, and sinecurists to a number exceeding 100, and drawing directly of the people's money between 5 and 600,000*l.* per annum. The Church patronage exercised by the Peers is enormous;—212 temporal peers, or more than half the whole number, share among them 1336 livings. The Lord Chancellor has for his own share above 900 besides; and the thirty spiritual peers have for their share 1728 livings. So much for this independent branch of the government.

Then comes the apex of the pyramid, the Crown. The yearly expenditure for the Crown exceeds half a million, and that for the Royal Family 200,000*l.* The patronage of the executive is immense. In the ecclesiastical department there is the appointment of all the English and Irish bishops, and seven colonial bishops; upwards of 1,000 livings in England, a great number in Ireland, and about one-third of the church patronage of Scotland. In the collection of the revenue it exercises a patronage expressed by the expenditure of 3,000,000*l.* per annum. In the civil department of the administration, and in the administration of justice, there is expended a million and a half each. In the diplomatic department there is expended 330,000*l.*; and in the army and navy, 13,000,000*l.* In almost all these cases the great prizes are drawn by the aristocracy. In short, the upper classes of society are, as already shown, not only favoured in the matter of taxation, but they have so contrived it, by exercising the power of making the laws, that what they *do* contribute is paid back to them again. In the meanwhile the lower classes of society are so pressed down, that some 7,000,000*l.* per annum must be raised to distribute amongst them in charity; and the middle and industrious classes are almost squeezed to death between the oppressors and the oppressed,—between the privileged and the poor. After this exposition the only thing to wonder at is, how the condition of the people should not be worse, and not why it is so bad.

It is plain that the government as intended to be left by the

pretended reformers the Whigs, is a cunningly devised engine to make the poor keep the rich ;—that there is no soundness in it ;—that the whole head is sick, and the only chance left is that the whole heart may not be faint. It is clear what the result must be when the charcoal of the less educated classes comes into combination with the nitre of the more intelligent, if somebody in the meanwhile has not had courage and honesty to begin systematically taking down the sense of wrong which may at any moment clap the match to the whole mine. Knowledge is every day pouring the revolutionary gunpowder through new chinks and crannies communicating with one another, till society is becoming a moving volcano like a leaky ammunition-waggon, wanting only a collision with any accidental flint upon the road, to bring on an explosion. The Whigs have shown themselves neither honest enough nor bold enough to undertake the remedy ; they are afraid to risk themselves in the magazine lest it should blow up while they are in it. Will the public follow anybody else ? Will they follow those who explain to them the evil, and are therefore as likely to remove it as those who take pains to hold their tongues ? The whole dispute is in a nut-shell ; it is whether the higher classes are to rob the lower and middle. Three or four thousand of the interested in *esse* and in *posse*, have just made what the police-offices call a '*flare-up*' at Oxford, and tried to call themselves 'the spirit of the age ;' for which read 'spirit of the plunderers of the age.' The thing is a failure, and is producing a proportionate re-action ; which is precisely the time for the other side to move. The Whigs have turned tail in all sorts of ways, and the next wave must bring up some of The People's Own. Have the people sense and genius to agree who shall serve them, —or whether they will be served at all ?

ART. X.—*Aide-Toi Society (Proposals for)*. In the Spectator Newspaper, of 12th, 19th, 26th April 1834.

THE government of England is undergoing a sore trial through the agency of the Whigs ;—a trial in some sort like the bending all ways of a thin lath to determine its strength. They bend it one way and the other again and again, till by an unlucky twitch they may bend it once too often, to breaking.

The Whigs are testing the possibility of the coexistence of the recognition of whole principles, and the practice of half of them.

Their lath will break. All intelligent men will rue the day when it does, if they be not prepared with another ; which

there seems (perhaps from mere lack of looking about) to be little chance of.

The Tories may turn out good prophets after all, through the instrumentality of these Whigs; who are striving hard to make come to pass their enemies soothsayings.

When the intelligent reformers asked for reform, they did not beg a baseless or a half thing. What they asked for, was the principle that government was for the good of all,—with all the means to make it so. The Whigs say, It is true, but we cannot trust you with all the means; you will handle them too much to our disadvantage. We will acknowledge your right; but cannot trust you with it till you grow older and know how to use it.

Now the people are saucy enough to suppose that the practice of managing their own interests would give them the required skill; at least they say, Do not consume our patrimony while you withhold it, nor use it to our wrong.

But this the Whigs are doing. Again and again will they try the lath, and its day of breaking may not be far distant.

How shall another be supplied? As to all appearance it must sooner or later break, it will be as well to look for another at once, or settle the best substitute.

First of all, without looking to anybody or to the turn of chances, the people must help themselves, but not by violence; and this may be done by operating on their representatives. It is true they have not always direct control over them; but as shame operates more or less powerfully on all, this must be had recourse to in order to influence them. Their pretences, their neglects and backslidings, their ignorance and incompetence, must be exposed to public view.

This implies knowledge on the part of the people, and consciousness of the existence of that knowledge on the part of the representative. To supply this link then is the desideratum.

To make known in full detail to the public and the constituent, what the representative does, or fails to do, or suffers to be done by others, and so operate upon him,—and finally to operate on the government through the agency of this influence on the representative,—is the constitutional method of proceeding. It is a slow process, while parliaments are of long duration and electors open to the evil influences. But it may be made sure by the persevering showing-up of ill-doing; and there is some consolation in the fact, that the temptation held out by the anticipated length of impunity, is likely to accumulate so large a bulk of offences that the least discerning cannot be blind to their existence. It has been one cause of past failures, that no

running account being kept with each of the public debtors, it was impossible at the moment of settlement to discover how the balance stood; the labour was too overwhelming, and the emergency pressed hard, and called for energies in other directions.

One important function to be accomplished, is to preserve a strict account, as time runs on, of whatever public men do; that let the occasion come ever so suddenly, a transcript may be exhibited of the state of their balance.

So far, as regards knowledge of doings. But there is another sort of knowledge of equal importance to the public, namely the *motives* of the doings (so far as they can be gathered from the position of the doer), and the *evasions* of doing. For this purpose the way would be to collect into a Magazine or store, all the general facts and considerations that belong to each question, and publish them for the light and information of all.

There is a third and most important function, namely to supply those aids to active members, which their own resources could not command in an efficient degree; and this, that their energies of all kinds may be freer for action on any emergency, and be sustained by the confidence that they will not want ammunition either for onslaught or defence.

For all these purposes, there must be appropriate machinery.

The machinery should consist of—1. Members in the House. 2. Members out of the House. 3. The Popular Press.

The Press already exists, and public opinion is at work;—but they want their organ in the House. For how many years have suggestions the most valuable been urged by the Press and recognized by the public, but no individuals have existed who could or would work them by reiteration in the House. For instance, Bentham's views on legislation might have been worked into the public mind through that House, if there had existed there individuals who would have tasked themselves to exhibit the same point in every form of illustration, with the pertinacity that Mr. Hume has employed on financial matters.

Individuals do not so task themselves, because it involves physical strength as well as powers of application such as few possess; and to supply their deficiencies by means of the agency of others, involves cost.

Now the object of beating the half-measured Whigs can only be accomplished, by showing up their half-knowledge, with considerable research; or rather by the gathering up the scattered wisdom of the Press, and making it to bear in full force on the government in the face of the public.

A man may be learned, and sound-principled, but he may be pardoned if he cannot bring up on the instant all the acquirements of past years, on all the subjects that crowd the public debates.

Still more may he be forgiven for not knowing the many excellent views, the apt facts, the ridiculous exposures of contradictions and anomalies, which are floating through the manifold press.

Time, strength, diverse aptitudes in one person, are all wanting to make the thing possible.

The daring, ready, and well-spoken personage who may bring all these things in array in the House at the precise moment, cannot command the same flow of spirits for applying himself out of doors, to the storing-up of matters to be so used in the House.

The day consists, too, only of twenty-four hours ; a man can apply effectually, and with vigorous effort, a few hours only ; and in proportion to the vigour of the effort, is the need for relaxation at other periods.

At all events a man cannot fulfil both avocations—the charging and discharging of the cannon. There must be one to load and another to fire the gun.

The feebleness of the Radicals arises from the want of this co-operation. The Press does not furnish it in the right shape. *That* addresses a different audience ; its object is to give small doses at the right time. The Member must deal more fully and systematically with his subject ;—be well armed with facts pertinent and strong. Men of the world, and practical men as they are called,—now that parables are in disuse, can be taught by no other means.

Individuals may furnish much useful information on particular subjects, and render a great deal of aid ; but from want of suitable training, they cannot reduce it into shape. They are ignorant of the legal and parliamentary analogies, by the aid of which a novel subject is introduced to a House of Commons audience. They know the subject in its singleness, and the principles and practices that belong to it ; but as a part of other things, they are ignorant of its bearings.

What then is wanted ? Combination by so many or so few, as are sufficient to bear the charge of a fit machinery.

The Members in the House would be glad of the external aid. Let there be six or twelve of them taking charge of branches of that great subject Politics.

Let there be one, two, three, or more, of men out of the House, employed in furnishing the material of the public exhibitions of the others ; with one or more clerks to render efficient aid.

Let there be a publication giving accounts of parliamentary matters, so that no one should be ignorant of what is going forward; a sort of circular, capable of expansion or extension as need might be; an organ of communication between the members of the Society and the Press favourable to the objects of it; not attempting to displace the Press, but coming in aid; an office of information for it as well as the Members. The Press should subscribe; which would add considerably to the funds. Funds should be sought by a subscription throughout the country.

The circular (by whatever name called) should comprise all that is done in the House, with notes on things to be noted. Every man's work should be shown as his work, and his merit or demerit be thus displayed without the aid of terms of praise or blame.

A principal part of such a circular would be an analysis or digest of the votes; and would tell the public and the Members the exact amount of the legislative doings. The Press would be kept alive to many things which now escape its lynx-like vision. The newspapers can only tell as much as suits them,—seldom more than the talking part, which is commonly not the most important;—for the absurdities of legislation are committed in the bye movements of the House.

A series of political publications should be issued, stating and advancing the objects of the Society,—pointing out the character of the legislation going forward. There should be published cheap political tracts, dealing out plainly the full extent of principles,—garbling nothing.

If any considerable party setting out with similar objects should mistake the way, then a friendly parley should be held, not in a condescending instructive tone, as the cant of some has been, but such plain and courteous reasoning as one man may use to another. Had the men bent on public instruction, possessed wit enough to see this, the breakers-out from the proper road might not only have been told that they were going wrong, but what would be the better and shorter road for mending their uneasy condition. Take the Corn Laws for instance, or any other common grievance, and illustrate it by whatever may be gathered of illustration from the habits of the class addressed, or their peculiar situation. The object must be turned round and round again, and brought nearer or put farther, so that everybody may have it at that point of view at which he can see best.

At the elections should be published displays of the conduct of Members, in a cheap form; consisting of their votes on divi-

sions, extracts from their speeches; for which purpose committees should be appointed in all the places where popular constituencies exist.

The popular Press in the country should be requested to subscribe; and information as to the doings of their Members should be sent down each week.

All the laws directed against Corresponding Societies, would be disarmed by the use of a circular. This should be the link as regards matters of a public and general nature; and as regards matters of a local nature, a communication with the most popular local Journal would serve all purposes.

There is a clumsiness and complexity in Corresponding Societies. There is moreover a jealousy constantly felt by the respectable people so called, towards the rougher comrades—who are most forward to do the work.

All this is removed by the agency of a publication, which will tell to all what all the rest are doing. Hence the absolute necessity of having a direct organ. But to guard against the jealousy of the Press, and that the Press may be won to the good service, this organ should be of a peculiar character, not dealing in the general or popular subjects which engage the Press, except so far as is indispensable for its peculiar purpose. The object should be, in such circular, to supply an organ for matters that either the Press would not tell of, or that it would be glad to take.

Such a circular is necessary for the purpose of interesting the public, and so obtaining all the strength which an extensive alliance with it can give. What the French did in secret, the English may do openly. With such means, the next election would not find men looking about to see what they should do at the moment of action. A species of Free-Masonry would be established by the agency of common habits, that would supersede the necessity for a more particular organization.

The publication (or circular) should be published by subscription; agents being appointed in the provinces that the numbers of the body might be known. Trades Unions and other bodies, should be addressed on the character and uses of the publication.

It is impossible to go over all the modes of operation that are open. The foregoing seem to be among the most feasible.

All this need not be done at starting; begin and grow.

The beginning is, in truth, the grand difficulty. Many are the followers and imitators, when a plan is once set in action with probability of successful issue. But who shall make the beginning?

'I will not, for the brightness of my unassisted genius will be clouded, if men think that its energies are aided by others.'

'I will not, for it will discredit me to belong to an undertaking whose issue may be failure.'

'I will not, because the petty things which the petty resources at our command can accomplish, are not a tithe of what my magnificent notions would aim at.'

'I will not, because I must associate with men of questionable character; with quacks or imbeciles; with men unworthy to loose the latchet of my shoe.'

'I will stand alone; be great by myself.'

Not thus have enthusiastic men of energy talked and acted in other instances. When their means marked them poor in all things that win influence with others, they schemed what they would do if they had power in their hands; and seizing the first chance that came, the energies thus created and exercised, in the issue often worked out the means by which their plans have been accomplished.

So here, it does not require the co-operation of multitudes in the first instance. Let one or two active, energetic, intelligent members in the House, and one or two persons without, join their resources. Collect a suitable library of parliamentary documents,—arrange them,—gather together the scattered views of the press,—take up one or more branches of business,—master them; and then, other men finding out by what means success has been earned, will not be slow to follow.

If two or three would thus gather together, much good might be done without the expenditure of aught but personal labour and time; and with the addition of a comparatively small outlay, the results might be made a hundred-fold more advantageous.

What has been done by one man for himself, might be done by several for themselves, and at the cost, or little more than the cost, incurred by one.

The Red-tape school ought not to be leaders, but they are useful adjuncts. Their success should have taught, before now, the utility of having recourse to the same means; for it is in vain to deny, that they have been productive of advantage where ill-regulated genius has often been in straits.

These means, if put in force, would form a link between the directing men and the practical men; and as the latter form the mass, and whatever strength is gained for any party must be found there, it is but plunging into the ditch instead of jumping over it, to neglect whatever is necessary to obtain their concurrence.

To recur to the how and where the beginning should be made.

Let materials be collected and arranged. Let them be so arranged, that whatever is wanted shall be at hand when the want arises. It is often this alone which makes the difference between the opposition and the ministerial debater. The first talks in the general of what he knows imperfectly; the other, throwing principles aside, deals largely in facts, the only efficacious logical artillery in the eyes of members of parliament. Put the oppositionist on an equal footing as far as existing information permits, and fewer motions begun with patriotic ardour would be given up on the first show of resistance. The mover would be better prepared, and others would be ready to support him.

Some things by use would grow so plain, that the most ordinary clerk could accomplish them. A question fully prepared one Session, would require only the gathering-up of the fresh accessions to that stock of knowledge, to furnish well, as far as that subject, the commissariat for the next campaign.

All the questions that can be named, are not so numerous, but that in a year or two they would be mastered for practical purposes; their other modes of activity might be entered upon, and the period of the most extensive usefulness would be hastened as the means of the Society grew.

Nor are the methods above enumerated the only resources at command. If the nature of the beginning, and the objects to be accomplished, be fully understood, the wit of honest men will soon devise such as are suitable in their circumstances.

No especial affection needs be entertained for any particular mode, nor is that a point of much importance provided there be an effectual propagation of the Radical feeling, and the people be served in the result through the 'ousting' of 'the defaulters.'

The series of Extracts cited at the head of the Article take a view not intrinsically different from the contents of this paper.

The first states succinctly the nature of the exigency. The second deals more in detail with the objects,—the things to be done, and the things to be disavowed. And the last is on the organization and form of the association.

The passages do not admit of abridgement, and are not too long to be extracted.—

'AIDE-TOI.'

The irritation among the numerous classes runs high, as well it may. An administration commits an exceeding folly, when it gives into an iniquity that goes direct to the sensations of the rank and file. There are always men enough for pivots; the difficulty is to get them somebody to fill up the skeleton of their battalion; and this is exactly what the present Ministers have done. It would be an excellent time, for a

few well-informed men, in and out of Parliament, to lay a plan for ousting the defaulters when they shall attain the power; on the declared principle of procuring justice to the multitudinous classes, and doing every thing their rivals have treacherously declined. The difficulties about such a plan are much fewer than might at first appear, and the favourable chances much greater. How long it might be in coming to maturity, must rest with Providence; but the acorn can never be planted earlier than now. There is a disposition to assume there is some superhuman difficulty about taking charge of the watch on deck. *Look at the men that have got through it.* What, for instance, have the actual Ministry to boast of? One individual of more than ordinary powers, if he chose to make use of them. Two or three of good average talents, improved by having held very favourable positions during longish lives. But in all this, there is nothing but what without candle may go to bed. For any real knowledge of the public good or zeal to further it, they have been principally indebted to those they have made their enemies. Any good the Whigs have done, has only been the light of other people shining through a horn lantern. What is required for the purposes of government at the present moment, is intelligence to see the causes of the people's wants, and honesty to remove them. It is no nice fence, or dandy waving of the toasting-iron; but the simple energy of saying intelligibly to the people at large, "You are here; you ought to be there; follow us." It is true that the people are just now a good deal scattered. Four "unclean spirits like frogs" might be enumerated in apocalyptic phrase, as typical of four great dynasties of error who are distracting them north, south, east, and west, from the requisite concentration. But before the acorn has put forth a branch that would hang a dog upon, all these will have been washed away in the great river Euphrates of the public intelligence, and mighty will be the force of the collected stream. And for the aid of men of name, there is not the hopelessness that some might think of. Foreign affairs, too, may give a prosperous turn: this is not the only country where a pretended *juste milieu* has had rope enough to twist about its own neck. The plot is a good plot. *Aide-toi, et le ciel t'aidera.* The seed is planted; let Apollon water, and God give the increase.—*Spectator*. April 12, 1834.

'AFTER determining the aim of such an association, viz. the supersession of the Whigs by a better commodity, the next is to display some of the objects, by the avowal of which, adherence might be courted. And here it cannot be expected that any scheme should gain unanimous approval in all details; but it is worth trying to make something like a good average sample. The leading indication would be, to take up all those points on which the Whigs have committed themselves by treachery. The repeal of the Taxes on Knowledge shines in the first rank; with the additional light thrown on it by the transportation of unfortunate men for not knowing, what the Whigs had previously determined to make it difficult to know. Military Flogging, which the Whigs roll like a sweet morsel under their tongues now they are in office, and Impressment, come under nearly the same class. The repeal of the

Foreign Enlistment Act must of course be forced upon them, because they opposed it; the removal of all the other badges of slavery which they once opposed, and now preserve for use; the cleansing the stable of the Law, in fact giving us something that may be decently called a law; the promotion of Public Education. In the same spirit should be taken up the removal of the Corn-laws; the opening of the Universities, especially since the irresistible observation of a *City* commentator, that the desire of the Universities appears to be, that the Dissenters shall neither share in the advantages of the Universities, nor be allowed to have one of their own; a settlement of Irish difficulties, on the broad ground that the Government is bound either to content Ireland to the extremest verge of reason, or concede any kind of independent government she may ask. The people have had enough of keeping Ireland as a warren for aristocratic greyhounds to flesh themselves in. It should be left to Irish honour, to do the least they can in supporting the landlords robbery on the public in return. The extension of the suffrage; shortening of Parliaments; vote by ballot. In foreign policy, an avowed support of civil liberty abroad, to the utmost extent the interest of the country in the given case with all its probable consequences may warrant. A declared surrender of unjustifiable claims on foreign nations, as for example on America for impressment of seamen, before war gives magnitude to a question which Englishmen will never be so base as to defend. In general conduct, to act upon the rule of always assailing the point that will easiest come down, and thereby laying an increased base for future operations. Next, of things to be disavowed. First, the plunder of the fundholders to save the landlords. Secondly, the taking the property of the Church to give it to those same landlords. Whether the compensation for the West Indians might not be taken out of it with artist-like graduality, and the Church be fully repaid by the treasure in heaven so good a work would lay up for them,—not forgetting also a certain *Austrian loan* given by the Tories to the Church to escape the ill example of repayment to the people,—might be considered as reserved points. Thirdly, the paper-money fraud in all its branches. Fourthly, monopolies of all kinds. On these points, positive and negative, such an association should move briskly; as believing that the Whigs have shown themselves *not safe*, and that if men do not work while it is called to-day, and cause the movement to go forward instead of backward, the extreme probability is that they will soon find themselves lying under the measureless tyranny of a number of half-informed and thoroughly-frightened old gentlemen, as is the case in France.—*Spectator*. April 19, 1834.

THE next point to be determined for such a Society, is the form. And here the rule should be, to eschew all formation. As men in fair weather build umbrellas, and calculate entirely on suiting them to the wet, so here the calculation should be for running in the teeth of the greatest possible quantity of arbitrary power, for such is the object against which the whole proceeding is intended. The body should be instinct with life all over; a *Multiplicity*, in which none should be before or greater than another. If similar associations arise throughout the

country, anybody should correspond with anybody, and the sole chance left the Whigs should be to put down the Post-office. The only physical bond, should be an agreement to sup together weekly, at such place as should from time to time be fixed on. No lists; an introduction should be by one man bringing another, as to a common fireside. When an individual consents to sup, it should by no means be considered as a declaration that he considers himself peculiarly fitted for any prominent part, but only as an indication of general good-will. Nor should rigid inquisition be made into the extent of any man's acquiescence in either the avowals or disavowals of the association; a public announcement once for all, being quite sufficient to secure to them a practical majority. When a man comes there, it should be supposed he comes to aid, or look for aid, against the general enemy; and there should be no attempt to hamper him with pledges beyond the present. Help to pick out a stone to-day, whether you will pick out another to-morrow or not. There would be no objection to sundry shades and gradations of hostility. Those who can handle a shovel, might occupy one corner; and such as can only twaddle with a checker at a time in a child's basket, might get together in another. There should be no quarrel with the little creatures, if they will only avoid being in the way, and not get trodden on. The fixed object of the whole, should be to take advantage of the time, when the deserters, by their acts of omission and commission, have produced a revulsion of the public feeling, and to push the point of the auger as far as it will go. Either a Whig or a Tory Administration might be considerably puzzled through the instrumentality of such a concenancy.—*Spectator*. April 26, 1834.

The supper certainly has its recommendations. But such as object to late hours, or crowded rooms, may visit a library or reading-room to confer and read the news, in the manner of the old Whig frequenters of Ridgway's. Let no man despair of finding a fellow Radical to talk over his grievances with. What he is especially to avoid is moping by his fireside. There is no need to be discontented and sorrowing. '*C'est le soleil d'Austerlitz*;' and he should see with a '*joie indicible*,' that the Whigs are labouring hard to execute all his wishes, if he will only be prepared to unite with others to share the advantages when the occasion comes.

ART. XI.—*Suggestions for the Architectural Improvement of the Western part of London*. By Sydney Smirke, F.S.A. &c. London; Priestley and Weale. 1834.

GEORGE IV. was the foremost Radical of his day in Metropolitan Improvements; Regent-street was his Reform Act. Under the advice of his prime architect, Mr. Nash, he planned (for the great things of a reign must be ascribed to him who sits

on the throne) the most splendid street in the metropolis, and a park a fit sequel to it. It matters not that the work sprang from personal vanity; we have it, and are ready, with hearts and voices, to cry out, 'God save great George our King,' who improved our own streets, with our own money, when he had more of it than he could in any way contrive to bestow upon himself.

But the great work has not terminated with this project; the fashion which the monarch gave has gained ground east and west, and Mr. Smirke's work is one fruit of the general desire to extend throughout London the improvements already commenced. He takes thought, however, of the western part only. This is not in the spirit of Radicalism. The whole metropolis, in its great ways and small, is entitled to the equal regard of all reformers. And here are involved the important considerations, —to whom shall be entrusted the conduct of the requisite improvements, and by whom shall be fixed the limit of the demand on the people's purse? Lord Bacon suggests, that few should plan, and few should execute, but there should be many to deliberate;—and Lord Bacon is right. Mr. Smirke suggests, that the management should be entrusted to a Commission,—and Mr. Smirke is right;—subject, it is to be understood, to the check of the persons interested. There must be somebody to say what money shall be given, when, and upon what conditions. If unfit men be appointed to do the work, or the men appointed mar it, much harm would not be done; the supply might be stopped, and a further preliminary check might be given, in requiring that plans of the work should be made beforehand. These, with estimates and specifications, would help to fix the amount of the grant; and none need apprehend that good plans could not be produced, while talent and enthusiasm abound among us. The commissioners are a secondary consideration at starting. A few blunders would be committed, the people would complain, and either new men or measures would be resolved upon, as the exigency might require. But it is of the first importance, and indispensable, that the people who pay the money, and who are most interested in the undertaking, should have the direct choice of the deliberative body.

It is one of the virtues of a system of representation, that it enables the people to remove their grievances in their own way. They are thus deprived of all reasonable pretence for complaint, if they fail to use what opportunities may come to them. Their efforts may be adjusted according to their means, and the government becomes a mere machinery for executing the people's will. If it exceed not its functions, it is exempt from grumbling, on account of either the scheme or the cost of the work.

This is not the notion of the Whigs, any more than of the Tories who preceded them. Like all despots, they wish not that good should come, except from their own energies. If their intention were the offspring of the purest philanthropy, their knowledge, their mental and physical strength, bounded by the limit which time sets to all human exertions, would thwart the honest purpose. There never existed, from the creation of the world till now, a man of experience so extensive and various, or mind so active and indefatigable, that he could conceive and grapple with all the manifold wants of all classes of people, in all places, and in every time and circumstance.

In matters of trade, all honest people scout the supposition, that government can interfere with advantage. Nobody talks about it but the dishonest seekers after a protection which means the right of robbing other people. And there seems no reason, beyond the reluctance of the rulers of the land, why people of every locality should not have the same rights conceded to them, in reference to matters in which they have a peculiar interest. The parliament is barely competent to the functions of supreme government, (if judgment may be formed by the snail-like pace of its proceedings), where the general interest of the nation is involved. Can it stop a while and often, to consider the peculiar condition of districts? Such a system is like the half-fertile, half-desert Egypt. Its great river inundates and fertilizes the country through which it passes, but immense tracts beyond are unrefreshed by its bounties. A country which should everywhere have competent local authorities to watch the rising of its wants in every quarter and to supply them, would be as one watered throughout and at all times, by springs, streams, and rivers, tributary to each other, and by their allied resources, covering the face of the land with fertility and gladness.

The myriads of concurring energies excited by and moulded to the exigencies of the occasion, would be promptly and universally at work, according to the measure of the exigency. But now nothing is done but at the bidding of much importunity and clamour. The evil reaches its extreme height; time and opportunity have passed; suffering has been endured, or enjoyment impeded; thousands have been born, and have lived and died, in a state of being which might have been relieved of half its misery, and then Great Britain bestirs itself to find out a remedy. But, first, there must be inquiry,—a partial measure,—with promise of the rest when the next generation has followed to the grave.

These remarks have been excited by the publication of Mr.

Smirke's work. Many of the improvements suggested by him have long been desired by the inhabitants of this crowded city, and nearly the whole of them might be said to be indispensable. The present object is to point out the deficiency of means to bring about the improvements that are necessary, and at the same time to offer some suggestions as to the means that might be adopted, and the funds at present available, and how additional funds may and ought to be raised for such purposes.

The Moderates, or those contented with as little as need be, are too apt to look to what has been done, as the all-sufficient reason why no more should be asked for.

The improvements at the west end of the town, and those now going on in the City, will be cited as evidence of the unreasonableness of the complaint that more has not been done. Thanks to His late Majesty, who saw the advantage of putting his name to the splendid new street and new park, one bold measure of reform in metropolitan architecture was carried, and has excited the spirit of improvement. The City functionaries, after a long interval, have followed the example; and both east and west there is promise of improvement, where the wealthy and the rider in coaches direct their steps.

Moreover a Committee sat last year on public walks, and recommended many things, of which none has been yet attempted, nor is any at present like to be.

In Holborn there are many juttings-out, that obstruct the way of that crowded thoroughfare. Cheapside is crowded. Many houses are burnt down, or are pulled down to be repaired and rebuilt, which being in obvious lines of improvement ought not to be suffered to be restored.

The possible improvements are the every-day's gossip of every class, and yet little is done; and all this because there is no body, or class of persons, whom complaint can worry into a performance of their duty.

Now the City of London has its local parliament,—with funds,—the right,—the power.

Why should not the whole metropolis have its local parliament? The reform of the Corporation furnishes the good opportunity of making one. Lord Mayors, and Aldermen, and Common Councilmen, might all be improved by it. The narrowness of Corporation feeling would probably be widened as its jurisdiction was extended; and those funds, now raised by a tax on the trade of the port of London,—that is, on the inhabitants of the metropolis,—might be applied to the advantage of them all.

To such a body should be entrusted the power of raising

funds for local improvements. The power of executing them must be placed, of course, elsewhere. The owners and occupiers of houses in London would not object to a small annual payment, to be applied to pulling down houses, widening the streets, and in other ways improving the town, and therewith the value of their own property.

The multitude of houses to be let or sold, in every street, proves that the supply greatly exceeds the demand.

Probably no property will hereafter prove a more valuable and certain investment, than houses in London. The facility of transit by means of the rail-roads, will at no distant period make London the general depôt for every description of food, as it has been of all other commodities; and that which has chiefly rendered the metropolis the most expensive place to residents, will probably be cheaper there than elsewhere.

This leads to the remark of the want of power in any competent authority to establish or extend markets. At an enormous expense, a company, which had bought the Old Hungerford Market, obtained an Act of Parliament to extend it; and great advantage has already accrued to prudent housekeepers in its vicinity. In other ways too, it is a public benefit. Its airy situation makes it a scene of family festivals on Sunday in summer; the writer of this passed through it last 'first day,' and if Sir Andrew Agnew had seen it, he would have rushed violently down a steep place into the sea*.

But as the town extends, it is necessary to provide the means

* The thing was manifestly too good to go on without opposition. A steam-boat, to carry the smoke-dried citizens to Greenwich, was part of the delectations of the place; so the wherry-men armed themselves with poles shod with iron, and brake a multitude of holes in its bottom. For this they were fined; which only put them on their true instrument of mischief, the law. The following account appeared in one of the daily papers opposed to the interests of the people.

'At the Thames Police office on Wednesday [18 June] the captain of the steam-boat *Adefaide*, which has recently been running between Hungerford-market and Greenwich for the conveyance of passengers, to the great injury and annoyance of the Thames watermen, was fined 5*l.* under a by-law of the Watermen's Company, for acting as master of the steam-boat without being duly approved and licensed by the Watermen's Company. It is understood that this verdict will go to put a stop to any further steam conveyance to Greenwich; as it is the intention of the Watermen's Company not to grant a licence to any steam-boat which shall only run to Greenwich.'

Here then is a direct organization of law for the purpose of preventing the citizens from going to Greenwich as they like, and forcing them to pay for bad and drowning boats instead of the safe and agreeable one. This is only a specimen of law as it is and will not be;—a brick of the house.

of establishing other markets as the occasion shall arise. Oxford market ought to be extended, to meet the wants of the people in that quarter. The poor are especially concerned in this. Smithfield market, which concerns only the butchers and publicans in that vicinity, and is a nuisance to all the town besides, is to be maintained because, forsooth, the Corporation of London realizes a thousand a-year by it; and the Whiggish government supports their claim. Here was a fine opportunity to make a public walk for the pent-up people in that neighbourhood; or Newgate market might have been transferred to the open space. But petty interests,—the feasting of the Corporation,—must be set off against the public weal. On what footing does the Corporation exist? Is it for the public good, or its own? It is right that this should be settled once for all.

The Commissioners of the Woods and Forests are not amenable to public opinion. A question is asked by some friend of the people, and answered any how, much to his satisfaction. For more than a twelvemonth the travellers on the dusty paths surrounding the Regent's Park have eyed wistfully a splendid broad walk that has for a long time looked complete. The summer began, is going, and the smooth gravel way is still locked up.

What they are all doing, is neither known in Parliament nor out. All that the public ever hears, comes in the shape of a gossiping paragraph in the newspapers, in which great doings are talked of.

The City Corporation is as slow. The new London Bridge, like Regent-street, has made obvious the necessity for improvements in its neighbourhood; and both will serve in the end to make the same necessity evident in all places between them.

But by whom shall these improvements be undertaken on behalf of the public? There is the difficulty. Something should be done every year, and London might in all parts earn the full claim to be the first city in the world. It is not, however, for the sake of an idle boast that this is recommended. Where so large a portion of the population dwells, and that too out of the reach of the softening influence of natural objects, the government, in the prudence of cunning policy, ought to take some thought of its pleasures. None can be greater than that obtained from parks, gardens, and fine buildings. Though a man live in a garret, and be engaged in labour all the live-long week, if he can have access to these he is gratified. His feelings are elevated, and his intelligence quickened and refined. Perhaps his pride becomes interested on behalf of his country, to which all these things belong. The grandeur of the ancient works of

Rome and Greece probably assisted to make even the slave proud of the land in which he lived. The health, besides, of all is concerned. The fever is bred in the dark and close alleys, and spreads everywhere else. If anybody will take the pains to go through St. Giles's on a Sunday morning, or any other streets where the poor live, he will find them enjoying the coolness of the breeze in that confined region. Ought not places to be furnished where they may lounge in peace, undisturbed by the passing carriage, and refreshed by the purer atmosphere. If the people be represented, evidence of the fact does not appear in such provisions. It would be a noble policy on the part of the men who boast of the blessings of Toryism or the honesty of Whiggism, to show, by a preference for the works in which the poor had the largest share, that their happiness is consulted.

But the thing cannot be; the rich generally cannot, by reason of the fullness of their enjoyments, understand the wants of the poor, or how to relieve them. It is the most difficult thing in the world to know how to do good to another as he would like it; and it is useless to expect gratitude if it be done in any other way.

It comes back then to the point before stated, that there must be representation. The poor must be represented as well as the rich; and for that matter, everybody should be represented locally and generally. How absurd to load Parliament with all questions local as well as general. Can both be managed with advantage? It is impossible. And therefore there ought to be local representation for local matters. This question of metropolitan improvements is one of them.

Under this control should be placed all the monopolies which override this great city. First in order—the Water Companies, who in spite of all remonstrances have compelled the people of London to drink what no man, if he could help it, would give to his beast,—and charge moreover, in this day of reduction of profits, at a rate far exceeding a fair return to the capital invested. The Gas-light Companies are of the same species; and they who have the care of mending and watering the great thoroughfares, and keeping the streets free from filth, need the same watchfulness. Many of the streets on the poor man's holiday are so covered with filth, obvious to the senses of sight and smell, that the air is deprived of its freshness; and he seems to have exchanged his confined apartment for little advantage. A little labour bestowed at a late hour on Saturday, or an early hour in the morning of Sunday, would quickly remove the cause of offence. Until public walks be

provided, care should be taken to make all thoroughfares as agreeable as the nature of circumstances will permit.

Furthermore—the Commissioners of Sewers need vigilant superintendence and control. Disease, to use an Irish phrase, stalks through many of the streets. It is wonderful that the people are so healthy. Yet there is little doubt that, if the care which is bestowed on the great thoroughfares were extended to less observed bye-ways, the occasion for many hospitals would be much lessened. Fools and blind, we strain at a gnat and swallow a camel.

Until the wants of the poor are made the standard of legislation, hopes of general and social welfare are vain and hollow. Make them the standard, and therein is involved the happiness of all other classes. Are commodities cheap?—the rich man has yet a larger share than the poor man whose means have been thereby increased. Is law made accessible to the man of low degree?—the rich man obtains a proportionate blessing. Is the poor man contented and happy, from abundance of food,—from labour well rewarded,—from a share of relaxation, and the enjoyment of open and cultivated spaces and gardens, and all the other means by which even the poorest may be made happier in their condition;—does he not smile on the wealth of the rich and bless it, as the source of happiness to himself and others alike? What is now the condition of all? A mingled class of haters and fearers, misunderstanding each other, and, as in other family feuds, magnifying and perverting each real grievance till all hope of reconciliation is gone.

This general view is linked closely with the present subject. It is one of detail,—of the distribution of care to the many sources of improvement that may be made available for the production of greater blessings to the poor, according to their respective localities. The case is not one of London, or of one place, in preference to another. All people in all places, and especially in all large towns, are deeply interested. But as in London the power of doing good is greater than in any other place, and a greater mass of the people live there who demand their share of the good effects to come from the improvements in the general condition of the poor, it is meet that the first example should there be made. It is in vain to leave it to the constant care of Parliament; and Parliament will not act a patriotic or enlightened part, if it do not invest the people with the full power of helping themselves in all these and such like matters.

Besides the improvements of the thoroughfares, the supply of water, the lighting, paving, and cleaning of the streets, and the making and care of public walks, there are many other

things which it should belong to such a local representative body to order and control. The Thames Tunnel would perhaps come under the category of Public Ways; Public Docks would be another care; in short, whatever concerned the local welfare. General provisions might be framed to regulate the movements of such a body, in regard to the interference with private property. But there have been many precedents and much experience on that score; and to a body of men, elected by the constituencies of this great metropolis and all places within a given range from it, surely such powers might be entrusted as are now confided to the Common Council. In short, there is neither legislative, constitutional, nor practical difficulty, if the governors we may have now or hereafter, have the will to do it; for in London such a body exists already in the Common Council; and it is only necessary to extend the constituency of that body so that it may be commensurate with the extended limits of the metropolis, and the work is done. There may at first sight seem to be more difficulty in the provinces; but there the work has been done after a sort. Local bills have been passed, vesting the power of doing such and such things in certain bodies;—one thing being entrusted to one body irresponsible, and another in the same place to another body irresponsible;—no check required in raising money;—no accounts published of the expenditure;—the planning, the deliberative, and the executive body often for many purposes one and the same;—and sometimes, where a good measure had been proposed, the system so mangled by some thwarting impracticable provision inserted by the Lords, as to render it necessary to apply to Parliament a second time, the first expenses having been large enough to cramp considerably the resources of the district.

An instance of one abuse of this sort occurred some time ago in the case of a bill for a harbour in Suffolk. The then county Member, contrived to get appointed for the majority of the commissioners, a number of clergymen having no connexion with the place; and that for a purely commercial object.

But enough of these enormities. It is a practical impossibility to protect local interests in Parliament. Where sinister interests do not interpose, there is ignorance or indifference, so the results are the same; and the evils of an unreformed Parliament must for ever exist there to a great extent on such subjects.

ART. XII.—1. ΣΥΝΕΙΣΦΟΡΑΙ ΕΝΟΣ ΣΤΡΑΤΙΩΤΙΚΟΥ. Φυλλάδιον Α' ΠΕΡΙ ΤΩΝ ΜΕΣΩΝ ΤΟΥ ΕΝΩΣΑΙ ΕΙΣ ΤΟ ΠΕΖΙΚΟΝ ΤΗΝ ΒΟΗΘΕΙΑΝ ΤΟΥ ΕΛΛΗΦΟΥΣ ΙΠΠΙΚΟΥ ΔΙΑ ΤΑΣ ΕΚΔΟΥΛΕΥΣΕΙΣ ΤΩΝ ΠΡΟΦΥΛΑΚΩΝ, ΜΕ ΤΟ ΕΚΤΟΝ ΜΕΡΟΣ ΤΟΥ ΣΥΝΕΙΘΙΣΜΕΝΟΥ ΑΡΙΘΜΟΥ ΤΩΝ ΙΠΠΩΝ. (Εἰς Νεοελληνικὸν καὶ Γαλλικόν. Οἱ δὲ παράγραφοι σημειῶνται μὲ ἀριθμοὺς διὰ τῆς σύγκρισιν τῶν δύο γλωσσῶν.)—*Contributions d'un Militaire. No. I. Sur les Moyens de procurer à l'Infanterie l'Assistance de la Cavalerie Légère pour le service des Avant-Postes, avec le Sixième de l'ordinaire de Chevaux.* Δι' γὰρ δὴπου στρατιάν, εἰ μίλλει πράξειν τὰ δόντα, μηδέποτε παύεσθαι, ἢ τοῖς πολέμοις κακὰ πορύνουσιν, ἢ αὐτῇ ἀγαθὰ. XENOPHON.—London; de l'Imprimerie de Richard Taylor. 1825. pp. 16. Planche.

2. *Idem*; in French only. pp. 8. Sold by Egerton, Military Library.

3. *Idem*; a *rifacimento* made in France. *Extrait du Recueil Industriel et des Beaux Arts, publié par M. de Moléon, rue Godot-Mauroi, no. 2.*—pp. 12. broché. Imprimerie d'Everat, rue du Cadran, no. 16.

THIS and the subject of the Article that next after follows, are pamphlets on military subjects written and published in modern Greek and French in the year 1825. Of course they are not very acceptable to those who grieve over the battle of Návvarino as an 'untoward event;' and it was never intended that they should. Though the immediate occasion which led to their appearance is gone by, they possess some interest, as specimens of the Catholic spirit which animates the liberal portion of the European military, and the efforts they can make in its demonstration. And further,—at a moment when the British branch of the Holy Alliance has not done dandling of defeated despots, and intimates as one of its organs did a day or two ago*, 'the possibility' of defending the corruptions of the church 'in arms' at home, and the 'probably bloody' struggle which the bullies of the Tory faction delight to represent as impending over the heads of their countrymen,—there is a virtue and a power in keeping up the recollections of military science, and demonstrating from time to time that knowledge on such points is not confined to the regulators of a moustache, or the tacticians of an army's pantaloons. Of one thing the originators and contrivers of such discreditable bluster may be certain;—that it will never occur without the opportunity being taken by the opposite side, to make some appeal to the spirit and power of popular resistance, by way of keeping up the wholesome state of preparation which after all

is the best security for never seeing it called into action. The men of the people will never originate an appeal to military force, and never decline to answer to one upon the slightest intimation of their enemies.

The fact is, that in the military branch as well as any other, the extension of knowledge has a direct connexion with the promotion of public liberty. In all European services there is a class of officers who might not unaptly be termed Xenophontean; men deeply impressed with the value of science of all descriptions, and zealous to know the most that is possible, for the sake of acting under its guidance; and of these it is rare to find an individual, who is not a liberal in politics and a cosmopolite in principle.

The favourite arm of the aristocracy in all ages has been cavalry; and as memorable have been the defeats which they have sustained, when they have trusted too implicitly to its solitary powers. The giant-killing knight-errants of the middle ages, were manifestly nothing but a squirearchy comfortably clothed in mail, and riding about on what Mr. Cobbett calls their 'cavalry horses,' to put down raw-boned peasants who had the insolence to defend themselves with hedge-stakes and root-grown ashes, which mythologic lore has christened clubs. A time however came, when the peasant put an iron spike at the end of his pole, and then came such victories as those of Granson and Morat. The invention of fire-arms added still more to the superiority of the two-legged combatant, and cavalry merged into what it now is, an accessory most essential and important, but not the staff of war.

The aristocracy in all countries manage their favourite arm very ill; and there is probably none in which the superiority of a popular army would ultimately be more decided. Look at the cavalry force of almost any European country, and there will be seen immense expense and luxury both in men and horses, huge attention to everything that is splendid in the eyes of children, but very little to the real purposes of war. In every obstinate campaign, there is a struggle between the opposing cavalries, *which* shall keep itself in condition for action longest. Is this an object aimed at or sought for in modern cavalries? What are the substantial operations of cavalry, but those of a great hunting-match; and who but a madman would go a hunting in the guise and cumber of a modern dragoon? Long and quick marches are of the essence of cavalry operations; and there is hardly a brigade of cavalry in Europe that would move thirty miles in four hours, and least of all by night, without being virtually incompetent to further operations, and

this through having never practised or meditated the principles required for causing extensive bodies to move rapidly in column without floating and concussion of the component parts. European cavalry is taught to move in line upon picked ground and in rolled barrack-yards; but set a line of five or six thousand horse to move at the gallop for two miles together over an ordinarily open country (which Saxe truly said was the test of a Line cavalry's being good for anything), and everybody will be found abroad as to the theory and practice by which such an operation is to be accomplished. They have been accustomed to move for a hundred yards in a gimcrack line, and halt all together by a signal, which is precisely the thing not wanted in war; but the rapid doublings and undoublings by which the parts which meet with obstacles must preserve their aggregate position, the moderated average pace at which alone it is possible for the movement to be conducted, the preservation of the general line on principles totally independent of the absolute uniformity of motion of all its parts,—all these are things very little understood or reduced to practice. On a field-day, in all probability,—and in a real movement against an enemy where the fear of misconstruction would operate against the execution of the *festina lentè*, with all certainty,—the attempt at such an operation would speedily degenerate into a race, where each man would go as fast as legs could be laid to ground when the thing was practicable, and go slower only when it was not, and the whole would arrive at the end in a state of complete dispersion, presenting a perfect *bonne bouche* for an organized enemy who should be lucky enough to be waiting there for the chance of what might follow. At this moment it is not written down in the Regulations of any power in Europe, at what aggregate rate such a movement, in an average cavalry country, should be conducted, what should be the rate at which the parts delayed shall proceed to recover their relative positions, what measures are to be provided to maintain the aggregate uniformity of advance if the divisions which in ordinary circumstances direct, are temporarily retarded by obstacles peculiar to themselves. They have regulated the moustaches and the sabretaches, but how all these other effects are to be produced, and as Jeremy Bentham would have said if he had been metamorphosed into a cavalry general, 'maximized,'—they have left to chance and each man's unpractised discretion when the time comes. If the oligarchy were foolish enough to sound 'boots and saddles' for the corruptions of the church, there is room left yet, for them to get a fling from Jeremy Bentham on horseback, they little dreamed of.

Whenever the threatened turn-out of the oligarchy takes

place, an object of considerable importance would be to preserve such portions of the organized cavalry as should be found taking 'the better part,' intact for the operations for which they are peculiarly qualified, and to get up an auxiliary force on cattle collected on the spur of the occasion, which should be competent to do one class of duties and thereby leave the others disposable for different purposes. Whoever is disposed to pick the small bones of the lobster with this object before his imagination, will find many bits applicable to his purpose in the course of the Neohellenic pamphlet. Neither the Greek nor French being vouchable for the very best of their kinds, such parts as may be extracted will be 'done into English' for the reader's use.

'On the way to procure to Infantry the assistance of Light Cavalry for Outpost Service, with one-sixth of the ordinary number of horses.'

'The object of this article is not to do any mighty things, but to lay down what in certain circumstances may be worth a troop of cavalry to the good cause, as has been proved by others who have tried it.'

1. 'It is not necessary to be a militarist by profession to comprehend, that no body of infantry acting by itself can be out of danger of being surprised, unless it has some mounted men as vedettes on its front and flanks. The principle of which is simply, that the mounted men can be moved to distances where men on foot could not stay without being certain to be cut off.'

2. 'Such mounted vedettes in an open country may often be pushed forward in the day-time to the distance of a couple of miles. And in close or hilly countries, and at night, they can generally be pushed to a third of a mile in advance of the most advanced infantry sentries; a distance which is quite capable of being highly conducive to the safety of the whole. When surprises succeed on the part of the enemy, it is generally in consequence of the advanced posts not having been pushed far enough. And no post or camp can be considered out of danger of surprise, if it has not got advanced posts or vedettes of some kind, who have perfect command over at least a mile all round it both by day and night. Because a mile is what men on foot can go over in a quarter of an hour, which is the least time that can reasonably be allowed for making the necessary preparations in case of being attacked.'

3. 'When there is a difficulty in getting horses or forage for them; there may be great use in a system by which one horse may often be made to do the work of six. On which it may be useful to relate what actually befell an officer that might be mentioned.'

4. 'It was his chance to be left in the command of eleven hundred infantry, in an imperfectly fortified position; where the object to be guarded against was being surprised by an Arab force. When the main body of the army was on the point of quitting, he got the

General in command to give him authority to purchase ten horses. For these he made bridles without bits, after the fashion of those which Marshal Saxe wanted to have for all the cavalry, (See *Mémoires sur l'Art de la Guerre, de Maurice Comte de Saxe*, Chap. 3. Art. 3.) ; and as there were no materials to be had but rope-yarns out of old cables and worked up by seamen, these bridles were in fact halters, with a strong iron ring on each side of the nose-band where the bit commonly is, and the reins passed through these rings and led backwards, the part that went under the horses chin acting like a curb-chain. The part which passed through the rings could be changed every day, to prevent wearing ; and by undoing the reins in the place where they were joined together, they could be taken off and taken care of, when the horse was at his pickets in camp. To the nose-band was attached a cord, which served to fasten the horse ; and when the man was mounted, the end of this rope was brought to the saddle-bow on the near side, so that if the man had his reins cut, he had still the chance of this to have some guidance over the horse.'

5. 'With a bridle of this kind, a horse that is supplied with forage and does not have the man upon his back, may stand on vedette night and day about as easily as stand in camp. And the man, by being on foot, will keep a much better look-out than he will on horseback. For it is a well-known fact that men often fall asleep on horseback ; so that if the man and horse be acquainted with their business, the odds are that if the enemy comes on, the man that was on foot will be ready for him before the one on horseback, by the difference of having kept a better look-out.'

6. 'For each vedette there must be three men on duty ; and a man cannot be on duty more than, at most, every other day. On this principle therefore, six men were appointed to each horse ; besides two serjeants, four corporals, and an officer who had the command of the whole. The men were volunteers from the different infantry corps ; and they were removed from their corps and formed into a troop. The six men made a squad ; and by doing the duty by half-squads together, the man always went on duty with the same horse. If there were men and horses sick, the men of the squad that were without a horse, were divided for the time among the squads which were short of men.'

7. 'The saddles were the common ones of the country, of all manner of kinds. The stirrups were of the form used in the east, where the corner of the stirrup is made to act as a spur ; by which means the men when off their horses were without the encumbrance of spurs.'

8. 'To every saddle were attached a sabre and a pistol. * The pistols were ship's pistols ; and the sabres were of all manner of forms, that had the necessary length.'

Here follows the mode of marching off the guards of the corps for duty ; in which the only point there is room to extract is, that the mounted men carried their musquets slung over the left shoulder, the object being to give the solitary

vedette a second shot in case of the failure of one. But it is intimated that a carbine after the Napoleon model *dit-da l'an 9*, and taking the same cartridge as the pistol, would have been a great improvement.

In this manner seven horses,—a pretty fair proportion out of ten,—were posted every night at sunset, a third of a mile in advance of the most advanced infantry sentries, the men being relieved every two hours, those off vedette taking post with the most advanced posts of the infantry.

15. 'On the first shot from any of the vedettes, the advanced sentries of the infantry had orders to fall back upon the guards to which they belonged. And the commanders of these guards had orders to begin their retreat as soon as their sentries were in and they were convinced there was the enemy, and to fire from time to time as soon as the vedettes were in. On the second shot, the whole garrison was to turn out.'

16. 'The vedettes came in without further orders at sunrise; and the whole came into camp along with the infantry picquets. To prevent the waste of cartridges, the same arms were used for the advanced vedettes every night, using only a few cartridges occasionally for new priming.'

17. 'In all this no difficulty occurred. The volunteers were pleased with their service, and no accidents happened except what happen always when recruits are to learn to ride. The bridles were found to answer every essential purpose; and there were even some horses that were hard to hold with the common bit, who were perfectly manageable with these. On which it may further be observed, that if objections are found to the bridles described, a horse can eat very well if he has only a snaffle in his mouth; which is the reason the Cossacks ride in snaffles. If therefore the horses have the European bridle, the purpose might be answered by unbuckling the *bit* on one side, and leaving the *snaffle* in the horse's mouth; a piece of caution which would prevent the danger that ensues when the men on the advanced posts take off the bridle at night to feed their horse; because if the enemy should come on unexpectedly, the man might move off with the snaffle. For want of this the author was once very near being taken; and he never forgot it afterwards.'

18. 'By these means the confidence of the garrison was such, that there was never any such thing as a false alarm. And the spies brought word, that there had been a proposal to attack the place, and among other objections it had been stated, that the mounted men cut off the chance of surprise.'

19. 'When the intention of destroying and leaving the place became evident and the danger of attack more imminent, the vedettes were increased to the total number of horses, without any bad consequences. And before more horses were got, two officer's horses which were all that could be had, were posted night after night in the manner described, without any harm to the horses.'

On this experiment, it would be easy to lay the foundation of a regular corps. In such a corps,

23. 'The horses might be the smallest in the service. And in cases of necessity, if the men were used to mount without stirrups, a simple blanket doubled might serve for a saddle.'

24. 'It seems plain that a detachment of such a corps, with three horses only, might be the salvation of a body of infantry of any assignable magnitude. There is no officer that does not know the difference between having three vedettes on his front and flanks, and none at all. It might therefore be laid down as a rule, that no body of infantry acting by itself, whether small or great, should be without a detachment of four horses and four-and-twenty men, besides three non-commissioned officers; and that a body of infantry of a thousand strong, should have at least the double of men and horses, with an officer and five non-commissioned officers; and for larger bodies in proportion. In this manner twenty infantry corps might be supplied, with the horses of a single squadron.'

25. 'Since the dismounted men are just as effective as any other men on foot, there is in reality no additional expense but that of one horse in six.'

26. 'A Corps thus organized, might be called "*Voltigeurs*," mounted and dismounted.'

A further consideration is the effect which the establishment of such a corps might have on the composition of a Cavalry of the Line. For combats of cavalry against cavalry, the great machine which makes the difference is the horse; it is therefore of importance to husband the good horses, which like all good things are scarce.

27. 'Another advantage of this system would be, that when you came to make a Line or fighting Cavalry, you would have a greater number of horses at your disposal for it, and this cavalry might attend to its instruction and equipment, without being cut up by the daily demands for out-post duties. And it is clear that all that was saved by using a light cavalry as described, might be added to what was laid out on the Line Cavalry, or the artillery, or on any other branch of the service. For example, in a European army of 100,000 men, which may have perhaps eight divisions of infantry of 10 or 12,000 men each, there is generally for each division of infantry a regiment of cavalry of 600 men attached to it for contingent service, with another regiment of mounted troops of some kind of equal force to support it. And these regiments are quite distinct from the divisions of Line Cavalry, which are to act in great masses and play the grand parts of cavalry in time of action. But if instead of these 1200 men of mounted troops, there were three squadrons of *Voltigeurs* mounted making about 400, and 800 men of the same corps dismounted (which is double the allowance of horses proposed above) there is reason to believe that the service wanted by the infantry would be done just as well; which would be a saving of

800 horses. And this saving, for the whole army, would amount to 6,400 horses. The expense of which horses [*first cost and keep*] applied to the Line Cavalry, is enough to augment them by a number of horses almost equal; inasmuch as the difference of the first cost of the horses is a small matter compared with the expense of their after keep, which is nearly the same for the large horses as the small. Or if the saving was applied to the horses of the artillery, it would be competent to furnish a well-horsed artillery instead of an ill-horsed; a thing which, like the other, may be the settling of interests of the first magnitude*. It would further appear, that these advantages might be obtained, by forming a number of regiments of light cavalry for the purpose of being attached to divisions of infantry, of which one-third should be mounted and two-thirds on foot; an arrangement which will always meet with opposition from notions of chivalry and feudality [in the French *idées chevaleresques et féodales*, in the Greek *τὰς βαρβαρικὰς καὶ δουλικὰς ιδέας*], but which will perhaps be put in practice by some people that has no object except beating the enemy. But what is economy for large armies, will be economy for small; the proportions being always the same. And the example has been taken in a large army, to make the result more striking.

Follow some observations on the possibility of making artillery-harness out of the same materials as described for the bridles, and on the general value of sailors with a land force; with drawings in the Plate. In confirmation of the last it may be adduced, that Napoleon seems always to have had his grand army accompanied by a division of '*Marins de la Garde*.'

ART. XIII.—ΣΥΝΕΙΣΦΟΡΑΙ ΕΝΟΣ ΣΦΡΑΤΙΩΤΙΚΟΥ. Φυλλάδιον Β'. ΠΕΡΙ ΔΙΟΡΓΑΝΗΣΕΩΣ ΘΑΛΕΓΡΑΦΩΝ ΕΠΙΠΛΩΝ ΚΑΙ ΠΕΖΩΝ, ΔΙΑ ΤΑΣ ΕΚΔΟΥΛΕΥΣΕΙΣ ΤΩΝ ΣΤΡΑΤΕΥΜΑΤΩΝ. (Εἰς Νοτιοληνικὸν καὶ Γαλλικόν. Οἱ δὲ παρά- γραφοὶ εἰσὶν παρὰλληλοι, διὰ τὴν παρὰλλάττειν μὲ τὸ Γαλλικὸν ἂν εὐρίσκηται τι δυσνόητον εἰς τὸ Νοτιοληνικόν.) 'Εν Λονδίῳ· ἐκ τῆς Τυπο- γραφίας 'Ρικάρδου Ταίλορ. 1825.—*Contributions d'un Militaire. No. II. Sur l'Organisation des Télégraphes à cheval et à pied, pour le service de campagne. (En Grec moderne et en Français. Les paragraphes sont arrangés parallèlement dans les deux langues, afin de faciliter la comparaison du Français quand il pourroit y avoir de l'obscurité dans le Grec.)*—London; Printed by Richard Taylor. 1825. pp. 32, and 4 moveable pages of lithograph in imitation of manuscript; with a Plate. Sold by Egerton, Military Library.

THIS is a System of Signals for the service of land-troops in the field. When nations begin to fight in good earnest,—as

* "—si dans la première campagne de Bonaparte, l'armée eût eu son artillerie bien attelée, la paix eût été signée dans Vienne."—*Aides-Mémoires à l'usage des Officiers d'Artillerie de France.* 1819. p. 380.

will be the case when the English and foreign Holy Alliance bring on the campaign of Armageddon which will make Europe free,—something of this kind will be in requisition. It is remarkable that the system of Naval Signals, at least in anything like its present organized state, is no older than the reign of Charles the Second. And there can be no doubt that when it was proposed to direct the movements of fleets by bits of bunting flickering in the wind, a large list of obstacles was got up by seamen of the old school, consisting in the chances of mistake, of fogs, of uselessness by reason of distance, and the frivolity of supposing that the ocean thunder and the big war were to have their operations regulated by little painted flags on slips of paper. Nevertheless the invention was tried and prospered. It was not always foggy; if there were some distances at which certain flags could not be seen, there were others where they could; mistakes diminished by practice; experience could improve the powers of the system and relieve its defects. Just so will it be on land, when, as intimated, men fight again in earnest. If one kind of flag or other object cannot be seen, another will be found that can. One advantage gained, or defeat prevented, will give reputation; and a *telegrapher* on horse or foot, will probably at some time be as indispensable an adjunct to an officer of a certain rank, as ever was an orderly. In fact what has the telegrapher to do, but be the orderly; and if the telegraphers are practicable, why should not all orderlies be telegraphers?

The quotation in the title-page* is evidence that Xenophon appreciated the advantage that might be derived from the use of visual signals in the field; and the inference is not weakened by the intimation being inserted in a work not strictly to be considered as true history, but rather as a frame for displaying the military and political opinions of the author. A passage from Cæsar might have been added†, which exhibits that great commander as providing for the most important movements of his army, by an organization of the same nature.

The book consists of thirty-two pages (Greek and French opposite to each other, and therefore reducible to half that

* ἥς τοῖς χείρασι σημεῖον, μὴ κίττι ἄνω πορεύεσθαι.—*Cyropæd.* 7. 1.

‘he put up a signal for the wings, not to go any further in advance.’

† Simul tertiæ aciei, totique exercitui imperavit, ne injussu suo concurreret: se, quum id fieri vellet, vexillo signum daturum.—*Cæsar de Bell. Civil.* iii, 89.—‘At the same time he gave directions to the third line and the whole army, not to move forward on the enemy without his orders; and that when he wished this to take place, he would give a signal with a

number in one language) bound in parchment like the soldier's account-book or what the French call '*le livret du soldat*;' and purports to be at once a complete '*Ordonnance pour les Télégraphes à cheval et à pied*,' and to be the signal-book for the application of the signals. Little more can be done than enumerate the heads of chapters. Any person in possession of *two copies*, may set to work at once to prove the powers or defects of the system.

Composition of a corps of Telegraphers, mounted or dismounted.

Equipment of the Telegrapher. Consists of a long lance for displaying the signals; two flags of a yard square, one red and white in two parallel bands, the other blue and yellow in ditto: one red pennon, five feet long, and six inches broad at the end next the staff. A copy of the book which is the subject of this Article. A blank book for noting signals. A pen or pencil, with a knife to cut it. A watch and small telescope for each of the officers, and if possible for the non-commissioned officers. Arms, for the mounted a pistol and sabre attached to the saddle; for the dismounted a carbine, and sword for clearing away obstacles.

Ordinary signals. In number 368; with a double table, by numbers and by the signification alphabetically. Nearly analogous to the ordinary numerical signals in the Navy.

Auxiliary signals. Proposed to be at the disposal of commandants of corps of a certain magnitude, and all commandants acting separately. Distinct in their form from the ordinary or general; and consequently not mistakeable.

Alphabetic signals; giving the further power of expressing anything by spelling it with the letters of the alphabet.

Private signals.

Signals distinctive of rank. It is proposed that a General of Division should have a right to be accompanied by *three* mounted Telegraphers with a flag on the lance, instead of three horse-tails; the General of Brigade *two*; and the Chef de Demibrigade *one*.

To form the chain of Telegraphic Communication. An admirable exercise for a young staff man of any gifts.

Night signals. Applicable to any succession of posts, that can procure a lantern to each post.

On the establishment of Posts (*Postes aux Lettres*) for the army, and Extraordinary Couriers. Objects which it is conceived may be usefully appended to the establishment of a chain of telegraphic posts.

On the means of perfecting the Code of Signals. By necessary changes from time to time, and otherwise.

On the individuals who are to be in possession of the Code of Signals. All officers of the rank of commanding a battalion, all staff-officers* in-

* In one part of the book there is inserted a definition of *Staff*; a point in which the military authors appear to be generally defective.

In any military body, the '*staff*' (*état-major*) consists of those officers whose services relate to the whole body, and are not confined to any of its

cluding adjutants, and everybody else that pleases. No secrecy to be professed about anything, except the cypher which is the key to the private signals, which is only to be in possession of certain individuals, and to be changed from time to time.

Paradigms (so the Greek has it) of the cypher for private signals, and of the ordinary system of notation of signals made and received.

All this is printed. Besides which there are four pages of lithograph in imitation of manuscript, slipped through a string at the end of the book, and representing the numbers of a table of Auxiliary Signals, the significations of which are to be filled up by heads of corps; and also a 'Paradigm' of the distinguishing numbers attached to divisions, brigades, regiments, &c., new leaves being supposed to be substituted from time to time according to circumstances.

The system, after being first duly deposited in the catacombs of the Quarter-Master-General's Office, has been pretty widely circulated in France, and is understood to have attracted some attention in Sweden. The executive part appears to be carried to great minuteness, and the one thing wanting, as in the case of Naval Signals 'before they were made,' is to know what may be the precise extent to which they may be practically applicable. An excellent step towards such knowledge, would be if some Artillery-officer at a siege would try their efficiency in communicating with his dépôts in rear of the first parallel. Will nobody make the trial, before the battle of Armageddon?

ART. XIV. — 1. *Report from the Select Committee on Parochial Registration.* Parl. Papers, Session 1833.

2. *Bill to establish a Registry of all Births, Marriages, and Deaths in England and Wales.* Parl. Papers, Session 1834.

IS it desired to find instance in proof of the incompetence of the Whigs for the leadership of the free people of England in times called enlightened? Their conduct in relation to the questions on Registration may be cited. It displays want of comprehension of the plainest field of statesmanship, the scope of their functions even as to space and objects existent;—the natural inference therefore is realized, that they would lack also the prescience of tomorrow. Their wavering fear, talking boldly

parts separately. Hence there is a staff of battalion, demi-brigade, brigade, division, &c. The serjeant-major and pay-serjeant may with equal propriety be called the staff of a company.

Among the ancient Greeks, officers performing the functions of *Etat-major*, are discoverable under the titles of *συνεπιμηληται*, *ἐκτακτοι*, *ἐπιλεικτοι*, *ὑπηρέται*.

when danger is out of sight, and crouching at its presence, bespeaks them imbeciles, that could endure neither in despotisms nor in republics, however apt they may be for the uncertain policy of a mixed constitution. Like the Lords, they are manifesting the defects, and shading the advantages, of the system which they profess to venerate and preserve.

It was impossible, after the very able Report made by the Committee on Parochial Registration, to plead ignorance or doubt of the value of that object. Accordingly Lord Althorp, on being asked on the first day of the Session whether it was the intention of the Ministers to bring in a Bill to carry into effect the recommendations of the Committee, had no other answer, than that he was not prepared to say, until he knew by what machinery the thing was to be done, and whether the expense would be likely or not to exceed the amount of evil in the present system.

Thus the matter would have remained, had not the Dissenters been roused by the evident attempt of the Ministers to evade their claims, in the shape of Lord John Russell's abortive Marriage Bill.

It might have been thought that it would have been consistent, even with the narrowness of Whiggish policy, to have adopted the suggestions as to the machinery of the Parochial Registration Committee as a prelude to a larger system of statistical registration.

The arrangement proposed by Mr. Brougham (whose Bill, by the bye, as in other cases, the Ministry are eager to take hold of), now that its favour with the public is past doubt, will do as a beginning. It separates the function of registration from the Church, which, in the manner of things gone by, had contrived to establish a claim for a vested interest in registration.

But this Bill will extend to one particular only of matters to be registered, and furnishes no means of providing for other particulars. There is no excuse for this partial attention, as in the Report above referred to, the matter was ably indicated by one of the witnesses, Mr. Edgar Taylor.

This witness, on being asked in what way he considered 'that an effectual and thorough record for all legal, political, and statistical purposes could be formed,' makes the following statement, which will be found to contain an interesting picture of the state of the much-vaunted institutions of Great Britain.—

'Such a complete document can, I think, be looked for only in the establishment of civil offices in every district, by whom the business of registration should be performed nearly in the manner in which it is transacted in France.'

‘The notice of this subject leads me to observe to the Committee how useful the creation of a civil officer, with a permanent officer in each district, might be made in connexion with almost every branch of public, official, and legal business, and how singularly deficient the institutions of this country are as regards the existence of any officer and place of public business capable of being applied to purposes of this sort, as well as for the discharge of many other functions now distributed at random through all sorts of irregular channels.’

‘Our internal police is without any plan or connexion; it is the same in the present complicated state of society as it existed centuries ago. We have no connected chain of officers applicable to matters of public policy or legal authentication, acting in connexion with the heads of the civil powers, and capable of being referred to, as resident functionaries of credit, in all courts, for the notification of facts, which might be received on the faith of their certificates.’

‘We have notaries, it is true, and in other countries notaries are eminently useful, but in this country they are of little or no practical utility, and in fact, they are not recognized in our courts at all, except for a few commercial purposes.’

Then as to the deficiency of the provision for the deposit and preservation of public documents, Mr. Taylor proceeds,—

‘We have no permanent office or place of record for those local documents which are perpetually accumulating, and which are of importance to the properties and legal interests of the inhabitants of every neighbourhood. Our magistrates, commissioners of taxes, coroners, &c. &c. often meet at their own houses or at taverns, and the minutes of their proceedings are as transitory as their functions. The parish chest, which is a clumsy receptacle for all sorts of matter, and is often kept in a damp church, where nothing will endure but a very brief space of time, is made the depository of one thing, the clerk of the peace’s office is or ought to be the place for another, the ordinary’s court for another. The coroner’s place of business follows his personal residence. The high constable’s, in general, does the same; and many documents are left with officers who come and go, and have no offices at all. For one legal or municipal purpose a churchwarden’s certificate or voucher is required; for another, the overseer’s is selected; for another purpose the minister, for another the constable is the authority; and the courts of law give credence to the voucher of none of them. You cannot open the statute book without observing that the contrivances resorted to for public purposes amply show the want of permanent district functionaries to carry laws into practical effect.’

‘For purposes of public notice we are equally at fault. Divine service is broken in upon for the minister or his clerk to read parish, military, or revenue notices. The church doors are encumbered with placards, and, after all, a great proportion of the population do not go to the church at all, so that as to them there is no notice whatever. The church and the vestry, too, are continually (for want of more proper

places for business) devoted to purposes little consonant to such buildings, and embarrassing to all parties concerned in their use. The time surely must soon come when we shall have (as almost every country in Europe has) some officer (whether by a new name or by the enlargement of the functions of some old constitutional authority, such as the high-constable,) who should have a permanent establishment in all conveniently-sized districts, to whose acts and certificates under an official seal, faith might, in ordinary cases, be given in all our courts; who should have all notarial functions adapted to many more purposes than at present, and at whose office all municipal business should be transacted, and all its documents deposited. Each such district officer would communicate directly with a county central officer, and in many matters with a metropolitan *dépôt*, under the supervision of the Home Department.'

'Without the regular establishment of some such accredited organs for the purpose of internal police, and for the transaction and record of the civil and a good deal of the legal business of the country, it will be very difficult to effect many highly necessary measures of legal and municipal reform; and on the other hand, if a well-connected chain of authorities were once established, reform might be effected in almost all departments of business of incalculable importance in every point of view, but especially in the saving of expense.'

He then proceeds to define the duties of a proper officer, for the registration and kindred objects. . . .

'Perhaps the Committee will let me hastily notice a few of the matters which would, in my view, properly come within the scope of such an officer, premising that moderate fees would (especially in populous districts) amply remunerate a respectable man and his necessary assistants for performing the duties which might be assigned to him. He should have received a competent legal education, and be elected by the householders of the district, subject to effectual control somewhere as to the fitness of the party chosen, and as to his conduct in office.'

'In matters of Police.—First, Such an officer should have the registration of births, deaths, and marriages: births and deaths should of course be entered on deposition as to the fact; and as to marriages, the simplest plan would be to make the attendance of the registering officer, or a deputy, necessary at every marriage. For obvious reasons of convenience and regularity, he should be surrogate of the bishop for the granting of marriage licences. Second, All the operations attendant on a census would be naturally transacted at his office, and the documents would be there preserved. Third and Fourth, The jury lists should be formed there, and the list of voters for elections. Fifth, All notices of a public character would be there exhibited and affixed by the officer wherever else circumstances required. Sixth, All rates, assessments, and parochial documents would be deposited at his office, and the militia-rate, land-tax, and other tax business should be transacted there, the officer being (as such) the clerk to be employed in the con-

duct of the whole. All meetings for such public purposes, and all petty sessions of magistrates, should be held at his office, he being *ex officio* the clerk on such occasions; and all depositions and minutes of proceedings would be preserved by him for their proper uses. The constables of the district should be placed in connexion with the office, and under its superintendence for the purposes of business. Seventh, He would be the easy channel of all official correspondence on matters of police and internal regulation with the central authorities. Eighth, He would be authorized to administer oaths and take recognizances, &c., in magisterial business. Ninth, The business of coroners should be transacted and preserved at the district office. Tenth, And the officer should be the deputy of the sheriff for the execution of all duties in his district.'

'In matters relating to Property.—First, All deeds, wills, &c., executed before such an officer, or his deputy, and attested under his seal, should prove themselves *prima facie* in all courts. Second, All deeds to pass the property of married women, should be required to be so executed and certified on private examination. Third, All deeds intended to be enrolled should be acknowledged before the civil officer. Fourth, All certificates of parties being alive, &c., for public or legal purposes, would emanate from the same quarter. Fifth, Powers of attorney for public and legal purposes might be there executed and certified. Sixth, Bills, &c., might be there noted and protested. In short, this officer should as such be a notary; and notarial functions might be much more resorted to than at present. Seventh, All notices, where the parties wish to perpetuate the fact, and to save hazard of future proof, might be served through the district officer, his certificate of the fact under his office-seal being annexed, and superseding further evidence.'

'In connexion with the Courts of Law.—First, This officer should be competent to take all affidavits, &c. in every court. Second, He should be commissioner for taking all bails. Third, It might save much abuse and extortion, if (as deputy of the sheriff) he and his subordinates, the constables, &c., received and executed all warrants from the sheriff.'

'Under all the above heads there are no doubt a great many more legal functions than now occur to me which such an officer would appropriately discharge, and when once established he would furnish facilities for the adoption of regulations of every description for improving the administration of justice and police.'

Nor are the above suggestions mere visionary projects. Mr. Taylor's recommendations are shown by the evidence of Dr. Bowring on the French institutions in the same particulars, and of M. Adolphe Quételet on the Belgian, to have been put in practice in those countries, to some extent and for a long period;—and furthermore, that they are continued without complaint or objection from any quarter. Mr. Parke's evidence furnishes also some strong instances of the necessity of exertions to obtain the same sort of good here.

It may be added, that the expense now incurred for the defective machinery already in use, would be sufficient for all the purposes of the most improved machinery. The work now done is paid for; but by fees, to officers practically irresponsible. The matter of expense would be soon set at rest, if the government were required to furnish a return of the officers now employed for these sundry purposes, and the fees which they are entitled to receive. At present the office of the clerk of the peace is the local Registry, and if the statutes are enforced, many things should be registered there. But the fees of that office are far from being the whole of the fund which collected into one hand might be made available to the purposes of national Registration. And other advantages might be obtained from the concentration. If the total amount were as considerable as is supposed, a great reduction could be made in the amount of the fees now granted; or officers might be appointed for more convenient districts, and the whole made responsible by being placed under a general superintendence.

Mr. Taylor's evidence is of the first importance, inasmuch as it bears upon reforms of other institutions, which according to the habit of British statesmanship, being taken up separately and on their own isolated merits, are likely to fall short of completeness, and to lead to the erection of a number of anomalous and incongruous branches clashing with each other, instead of a simple system combining the whole.

Of this character are the proposals for a system of general registry of all deeds and muniments, and the proof of wills. It might have been conceived that both these objects might be effected by the same institution; but then that would be to travel quite out of the track of present institutions, and too much, as the phrase is, would be attempted. The question regarding each, is not what, putting out of view present parties, would in the abstract be best, and then ascertaining how far present practices may be adapted to the most efficient plan. The reverse method is pursued. How can a change be effected with the least departure from things as they are, and the most striking semblance of good? Accordingly there must be a Prerogative Court to prove wills, and for their custody; and there must be a general Registry for the custody of deeds; and these must be in London, for there have been their prototypes.

Both these questions are but parts of the general question of national registration. If all matters of national interest are to be recorded, it is obviously more convenient that this should be done by proper officers, for extensive districts, not too large to preclude an efficient superintendence and check on the

information supplied. That there should be an officer in the metropolis controlling the whole, for uniformity sake, does not admit of doubt; but to him should be transferred only general indexes and summaries of the information recorded in the provincial offices. Each office or district, being entrusted with a limited field of inquiry, would discover its whole extent, and the inaccuracies of the first records would be removed as they proceeded; but how could an officer at the head of affairs have such minute inspection of the details of districts, as to be able to discover deficiencies, vitiating, perhaps, the entire collection? In the case of the population Censuses, immense difficulty has been experienced from the incompleteness of details, and the inefficiency of subordinate officers under no intermediate control.

The great mistake seems to arise from a misconception of the principle of centralization. It is right that the whole should be reduced to a summary, as in the balance sheets in account-keeping; but it is not therefore necessary that all things should be done at head-quarters. The details should be worked out in the districts where the information is obtained, and the people live who are most interested in it. Every publicity should be given to the local returns furnished by the local officers, that they might be exposed to instant check in case of falsehood or blundering. From the want of a check of this description, the public and the legislature have been oftentimes duped by false information. The evil, indeed, runs through the whole system of returns, for which the country pays so much in printing, and by means of which legislators are enabled to prate of facts which are no facts, apparently established by them.

Again, the Local Courts, as a part of the system of universal government which all enlightened radicals seek to introduce, might be made available to registration purposes. Whether or not these proposed courts form a part of the discussion on any one of these questions, their aid and subordination to the general plan ought to be borne in mind, that the later reforms may not be forced into incompleteness on account of their clashing with those which have chanced to be treated first.

Among the lawyers there are two parties on the subject of these reforms,—the town and country. The latter oppose the general registry, because of its tendency to carry all business to the great metropolitan monopolists of legal justice; while the former are friendly. On the other hand the latter favour local courts, which the former oppose. No one can be blind to the motives; and the people ought to derive the same advantage which is usually gained from the quarrels of thieves, and make away with

the goods while their enemies rave at each other. The folly of the people is in mixing up the real matter in debate, the public good, with the professional bye-motives of these parties. All their assertions that the thing is bad for the country, must be interpreted as meaning that it is bad for themselves.

It remains only to be said, that the Dissenters will take a very shortsighted course, if they do not take part with the permanent interests of the whole people, and make their own practical grievances a means and occasion for effectuating national reforms in other matters. There has been in some quarters a too manifest looking to partial interests, and provided they be cared for, an indifference as to the result of the struggles of others. Some, and those not a few, have talked of moderation, and trusted that their reforms would not be considered as a party question, or any source of political strife. But what measure of good was ever won by other means? At what time in the history of man, has the wrong-doer been overcome, without the show of a force that it was not wise or safe to resist? But it seems to be in the nature of man, to hold out impunity to other wrongs, as a sort of bribe for the surrender of his own.

ART. XV.—*Journal of Three Voyages along the Coast of China, in 1831, 1832, and 1833, with notices of Siam, Corea, and the Loo-choo Islands.* By Charles Gutzlaff.—London; Westley and Davis. 8vo. pp. 450. 1834.

THE active, enterprising, and intelligent adventurer who tells his own story in this book, is now a Protestant missionary in China, and by birth a native of Stettin in Prussia. He is understood to have been educated by the King of Prussia, and intended for the medical profession. Mr. Gutzlaff however, in due course, was inspired with a laudable desire of converting the heathens of Asia, and having expressed his wish to his royal patron, he received from His Majesty a letter of recommendation to his kinsman the King of Holland. The latter forwarded him to Java, where he at once entered with an unusual share of zeal, talent, and information, upon his office of a missionary. The first of the voyages described was performed in a Chinese junk from Bangkok the capital of Siam, to Teen-tsin, the port of Peking the Chinese capital, and lying nearly in the fortieth degree of latitude. The second voyage was performed in the ship *Amherst*, which in 1832 proceeded on a voyage of commercial discovery along the northern coast of China. This

is the voyage already noticed in a former number of this journal*. The third voyage was performed in the trading ship *Sylph*, in 1832-33, and extended from Canton up to Kae-chow, in Chinese Tartary, in about the forty-first degree of latitude. The accounts of the two first voyages are in many respects both novel and interesting; but that of the last, is only a meagre outline, owing, it may be presumed, to the commercial adventurers having interdicted the worthy missionary from publishing to the world the trading results of the voyage, which appears to have been successful.

Mr. Gutzlaff had resided in Siam for three years; but the accounts which he gives of this country, as well as of Laos, Camboja, Cochin-China, and Tonquin, all derived from hearsay, are neither new nor ample, nor very interesting. The same may be said of the very poor countries of Corea and the Loo-choo islands, which were visited in the voyage of the *Amherst*. The following sketch will therefore be limited to the information which the book supplies respecting the great, the very tolerably civilized, and now the highly important empire of China. In the former number of this journal already alluded to, China was described as containing 361 millions of inhabitants, which for an area of 1,400,000 square miles gives only 234 inhabitants per mile, which is twenty-four per mile less than that of Ireland. Of this vast population, above 196 millions belong to the seven maritime provinces; and here where the population is much denser than that of the average, there are about 400 to the square mile. The notion that the population of China has long been stationary, seems to be an error. In 1762, by a census taken, it appears to have been only 198,214,553; in 1792, it had increased to 307,467,200; and in 1812, it had risen to 361,693,879; the increase in the first period of thirty years was fifty-five per cent, and in the next period of twenty years it was eighteen per cent; while the whole increase in the period of half a century which elapsed between the first and the last census, was eighty-two per cent. This is by no means comparable to the increase which appears to have taken place in the population of Ireland in similar periods. Between 1812 and 1831, the increase there was more than thirty per cent; and Ireland is here referred to more especially, because in reference to the great numbers of the people,—no high compliment either to Ireland or to China,—it is that which of all the countries in the world perhaps bears the nearest resemblance to the Celestial empire.

* Westminster Review No. XXXIX for Jan. 1834. Article '*Voyage of Ship Amherst.*'

The statements given by Mr. Gutzlaff respecting the condition of the Chinese, tend to corroborate the populousness thus ascribed to China. In his account of Chaou-chow-foo, one of the ten great divisions into which the province of Canton is divided, he has the following observations, made in the voyage which he performed in the Chinese junk.—

‘As soon as the first promontory of the Chinese continent was in sight, the captain was prompt and liberal in making sacrifices, and the sailors were not backward in feasting upon them. Great numbers of boats appeared in all directions, and made the scene very lively. ... This district is extensive, and closely peopled. The inhabitants occupy every portion of it; and must amount, at a moderate calculation, to three or four millions.... The people are, in general, mean, uncleanly, avaricious, but affable and fond of strangers. Necessity urges them to leave their native soil, and more than five thousand of them go every year to the various settlements of the Indian Archipelago, to Cochin-China, and to Hainan, or gain their livelihood as sailors.... Rice being very cheap in Siam, every sailor had provided a bag or two, as a present to his family. In fact, the chief thing they wish and work for, is rice; their domestic accounts are regulated by the quantity of rice consumed; their meals according to the number of bowls of it boiled; and their exertions, according to the quantity wanted. Every substitute for this delicious food is considered meagre, and indicative of the greatest wretchedness. When they cannot obtain a sufficient quantity to satisfy their appetites, they supply the deficiency of rice with an equal weight of water. Inquiring whether the western barbarians eat rice, and finding me slow to give them an answer, they exclaimed; “O, the sterile regions of barbarians, which produce not the necessaries of life! Strange that the inhabitants have not long ago died of hunger!” I endeavoured to show them that we had substitutes for rice, which were equal, if not superior to it. But all to no purpose; and they still maintained, that it is only rice which can properly sustain the life of a human being.”—p.83.

This however, it ought to be observed, is by far the most populous district of the province to which it belongs. -

In describing the country in the neighbourhood of Fuh-chow in the province of Fuh-keen, one of the finest cities in China, he has the following observations.—

‘At the close of our daily business, which generally lasted eight or ten hours, we often traversed the extensive rice fields. The people have shown much ingenuity in laying out these fields. To satisfy immediate want, seems to be the object of the Chinese peasant. Instead of cultivating grain, and a variety of vegetables equally nutritious, he is satisfied to plant the rice, and seldom cultivates vegetables to any extent. Every corner is planted with rice, and, in the cold season, with wheat, for they have here two crops a-year. Their daily food, with scarcely any variation, is rice, with a few

vegetables as a relish. Meats seldom fall to the lot of the common people, except on holidays, and even the higher ranks consume meat more sparingly than the common people in Europe or America. No Chinese in the southern provinces, will admit that he has made a meal, unless he has eaten a sufficient quantity of rice. Even at their grand festivals, where a great variety of dishes is prepared, they end with rice. It is not surprising, therefore, that they undervalue all other vegetable diets, and bestow so much pains to supply each member of their families with a sufficiency of rice.'—p. 228.

It may be remarked in passing, that the European prejudices of the author are here pretty nearly as striking as the Asiatic ones of the Chinese. Grain according to him, means, it may be presumed, only wheat, barley, oats and rye; but rice is a grain or corn as well as any of these, and within thirty degrees of the equator throughout all Asia it takes the place of wheat, or is the most valuable corn which is cultivated. 'No Chinese,' says the author, 'in the southern provinces, will admit that he has made a meal unless he has eaten a sufficient quantity of rice.' This is about the same kind of truism as it would be to say, that no Prussian or Englishman will admit that he has made a good meal unless he has eaten a sufficient quantity of rye or wheaten bread.

The three southern provinces of Canton, Fuh-keen, and Che-keang, constitute a bold mountainous country, much varied by hill and dale, and, as will be shown by and by from some extracts from Mr. Gutzlaff's book, in many parts highly picturesque and beautiful. The next province north of them, Keang-nan, the greatest and most populous in China, is of a very opposite character, and so to a considerable degree is that of its population. It contains the *débouchements* of the two great rivers which nearly traverse the whole empire from west to east, and is a flat, fertile, alluvial country.

'The aspect of the country,' says the author, 'here differs widely from Che-keang; all is one fertile flat, not much above the level of the sea, well cultivated, without the least hill. The ravages occasioned by inundations are here very great, since no banks, made of this loamy soil, can resist the swollen river. In such low ground one would expect many meadows, but even the name of them is unknown. The Chinese have taken proper care to drain these marshy grounds of water, and to render them well adapted to the culture of rice, which requires a low and moist soil. They do not prize milk and butter, nor do they like to rear cattle for slaughter; hence they would derive no advantage from meadows. But to procure the immediate necessary of life, rice, as well as to furnish their tribute of grain to the capital, which in this province is very considerable, all their energy is directed

to raise annually two crops of grain from this fertile soil, one of rice and another of wheat.'

'We visited some houses which are very spacious, serving at the same time for granaries and dwellings. The natives are diminutive in size, and very dirty in their persons, as well as in their houses. They shewed very little curiosity or alarm at seeing us come suddenly upon them. While walking through the luxuriant fields, then covered with a ripe crop of wheat, we saw everywhere the people busy gathering in their rich harvest. As far as the eye could reach over this extensive plain, there was no spot bare of cultivation, or of exuberant vegetation. The dwellings were built in small clusters; the inhabitants possessed just so much land as would maintain their families; these hamlets were very numerous.'—p. 278.

The same part of the country is again described thus.—

'In the evening we went to the opposite side of the river to visit some of the hamlets, scattered everywhere over this alluvial soil. The cottages are generally built among a cluster of trees, and would be very pleasant, if care were taken to keep them clean. But even the smell of the exhalations from the environs, is so offensive that one scarcely dares to enter. All the fields yield very good crops, but the number of the inhabitants is sufficient to consume their most abundant harvests.'—p. 307.

The character of the country and of the people, and the condition of the latter, differ materially in the northern from what they are in the southern provinces, and are all of them much inferior.

'The entrance of the Pei-ho,' says Mr. Gutzlaff describing the metropolitan province in a portion of it not 100 miles from the capital, 'presents nothing but scenes of wretchedness; and the whole adjacent country seemed to be as dreary as a desert. While the southern winds blow, the coast is often overflowed to a considerable extent; and the country more inland affords very little to attract attention, being diversified only by stacks of salt, and by numerous tumuli which mark the abodes of the dead.'

'Most of the inhabitants, who reside near the shore, are poor fishermen; their food consists, almost exclusively, of Barbadoes millet*, boiled like rice, and mixed with water in various proportions, according to the circumstances of the individuals;—if they are rich, the quantity of water is small; if poor, as is usually the case, the quantity is large. They eat with astonishing rapidity, cramming their mouths full of millet and vegetables, if they are fortunate enough to obtain any of the latter. Most of the inhabitants live in this way; and only a few persons who are wealthy, and the settlers from Keahguan, Fuh-keen, and Canton provinces, enjoy the luxury of rice. In a district so sterile as this, the poor inhabitants labour hard

* *Holcus Sorghum*.—Reviewer.

and to little purpose, in trying to obtain from the productions of the soil the means of subsistence.'

'The village of Ta-koo, near which we anchored, is a fair specimen of the architecture along the banks of the Pei-ho; and it is only on the banks of the river, throughout these dreary regions, that the people fix their dwellings. The houses are generally low and square, with high walls towards the streets; they are well adapted to keep out the piercing cold of winter, but are constructed with little regard to convenience. The houses of all the inhabitants, however rich, are built of mud, excepting only those of the mandarins, which are of brick. The hovels of the poor have but one room, which is, at the same time, their dormitory, kitchen, and parlour. In these mean abodes, which, to keep them warm, are stopped up at all points, the people pass the dreary days of winter; and often with no other prospect than that of starving. Their chief enjoyment is the pipe. Rich individuals, to relieve the pressing wants of the populace, sometimes give them small quantities of warm millet; and the emperor, to protect them against the inclemency of the season, compassionately bestows on them a few jackets. I had much conversation with these people, who seemed to be rude but hardy, poor but cheerful, and lively but quarrelsome. The number of these wretched beings is very great, and many, it is said, perish annually by the cold of winter. On account of this overflowing population, wages are low, and provisions dear; most of the articles for domestic consumption are brought from other districts and provinces; hence many of the necessities of life, even such as fuel, are sold at an enormous price. It is happy for this barren region that it is situated in the vicinity of the capital; and that large quantities of silver, the chief article of exportation, are constantly flowing thither from the other parts of the empire.'—p. 115.

There appears some deficiency in the political economy of the missionary; it is a little *à l'antique*. The 'articles for domestic consumption which are brought from other districts and provinces,'—for what are they brought in return? The 'large quantities of silver' which so fortunately are constantly flowing from the other parts of the empire,—wherefore do they flow? Nobody in this country but a Tory, will believe this takes place gratis. The people must therefore of necessity have large quantities of *something*; and they that have that, and are allowed by their mandarins to exchange it, are not necessarily poor.

Even in point of physical appearance, there seems to be a considerable difference between the inhabitants of the southern and northern provinces. The author, in reference to the people of the district of Teen-tsin, makes the following observations on this subject.—

'The features of the inhabitants of this district more resemble the

European than those of any Asiatics I have hitherto seen. The eye had less of the depressed curve in the interior angle than what is common, and so characteristic, in a Chinese countenance. And, as the countenance is often the index of the heart, so the character of these people is more congenial to the European, than is that of the inhabitants of the southern provinces. They are not void of courage; though they are too grovelling to undertake anything arduous or noble, and too narrow-minded to extend their views beyond their own province and the opposite kingdom of Corea. They are neat in their dress; the furs which they wear are costly; their food is simple; and they are polite in their manners. The females are fair, and tidy in their appearance,—enjoy perfect liberty, and walk abroad as they please.' p. 137.

The difference of soil and climate indeed, between the northern and southern provinces, independently altogether of political causes, are sufficient to produce a material difference in the physical and moral character of the people. The southern provinces have generally a mild or a warm climate, but the winter cold of the northern seems to be intense, and far beyond what is experienced in the corresponding latitude of Europe.

'The 9th of November [1831],' says Mr. Gutzlaff, when he was in about the 40th degree of latitude, 'was a very pleasant day; but during the night the wind changed and a strong northerly breeze began to blow. In a few hours the rivers and creeks were frozen up. The cold was so piercing, that I was obliged to take the most active exercise, in order to keep myself warm; while the Chinese around me, covered with rags and furs, lay down and kept themselves quiet.'—p. 117.

On the 17th of the same month, and when as low as the 37th degree of latitude, there was a fall of snow. This has reference to the voyage performed in the junk; but the cold experienced on that occasion was nothing in comparison with what was felt in the voyage of the *Sylph* in the same latitude, in the end of November and beginning of December. The ship struck on a sand-bank, and was in imminent peril of being wrecked.

'The next morning [November 29th, 1832],' says Mr. Gutzlaff, 'a fierce north wind blew from the ice-fields of Kamtchatka down the bay; the water decreased, the ship fell over on her beam-ends, and all our Lascars were disabled by cold from doing any work.'

'After having failed in all our efforts to get her off, a party of volunteers was made up, and departed for Kae-chow to procure assistance from the mandarins. The land was more than twenty-five miles distant, the cold was most intense, and we had thirteen helpless Lascars in the boat. Entirely covered with ice, we arrived at a head-land and were received most humanely by some fishermen and a priest, but found no mercy before the mandarins. One of the Lascars was frozen to death, the others were on the verge of eternity.'—p. 422.

The ship happily got off the bank and when Mr. Gutzlaff and his companions returned they found her 'coated inside as well as outside with solid ice.' The contrast exhibited here between the puny natives of India and the robust inhabitants of Southern China is very remarkable. The latter suffer no more from the cold than Europeans would do under the same circumstances, while the Indians are either destroyed or rendered wholly useless by it.

The extensive emigration which takes place in China, is satisfactory proof that the population is pressing hard on the means of subsistence. It takes place however, only where the character of the people is most enterprising. The provinces of Canton, Fuh-keen, and Shan-tung, are the chief seats of it. Mr. Gutzlaff has some exceedingly interesting passages in reference to it. Speaking of the country near the celebrated emporium of Amoy, he observes ;—

'The whole adjacent country being sterile, forced the inhabitants to seek some means of subsistence. Endowed with an enterprising spirit and unwearied in the pursuit of gain, they visited all parts of the Chinese empire, gradually became bold sailors, and settled as merchants all along the coast. Thus they colonized Formosa, which from that period to this has been their granary ; visited and settled in the Indian Archipelago, Cochin-China, and Siam. A population constantly overflowing demanded constant resources for their subsistence, and this they found in colonization. Thus they have promoted all along the coast of China up to Mantchou Tartary. As soon as the colonists amass sufficient money they return home, which they leave again when all is spent.'

'This constant emigration of the male part of the people contributes very much to the destruction of domestic happiness. It is a general custom among them to drown a large proportion of the new-born female children. This unnatural custom is so common among them, that it is perpetrated without any feeling, and even in a laughing mood ; and to ask a man of any distinction whether he has daughters, is a mark of great rudeness. Neither the government nor the moral sayings of their sages have put a stop to this nefarious custom. The father has authority over the lives of his children, and disposes of them according to his pleasure. The boys enjoy the greater share of paternal affection. Their birth is considered one of the greatest and most fortunate events in a family. They are cherished and indulged to a high degree ; and if the father dies, the son assumes a certain authority over his mother. There is also carried on a regular traffic in females. These facts are as revolting to humanity as disgusting to detail.'—p. 173.

The emigration from Shan-tung is alluded to as follows.—

'The houses are built of granite, and covered with sea-weed : the people seemed very poor, and indeed poverty reigns all over Shan-tung

province. They are stronger, and apparently much more healthy than the inhabitants of the southern provinces; but the females, on the contrary, look pale and languid. Nothing can exceed the clownishness of these natives, who, though born in the land of Confucius, the great author of ceremonies, are regardless even of the common rules of decorum. The odour of garlic which proceeds from them keeps every stranger at a distance, and is often quite intolerable. But they are more honest than their southern countrymen; and, if well trained, would make good soldiers; for of all the Chinese which I have seen, they are the bravest. Necessity obliges them to seek the hospitable shores of Mantchou Tartary, where they find plenty of work and various means of subsistence. Thither they have lately flocked in great numbers, and formed very large colonies, which greatly contribute to the prosperity of both countries.—p. 311.

The character, employments, and mode of transporting the colonists, are thus described.—

‘All the districts belonging to Fuh-chow-Foo, to which Ting-hae likewise appertains, send forth a great number of colonists, who spare neither danger or toil to gain a scanty livelihood in their foreign homes. A part of their hard earnings is annually remitted to their kindred who are left in their native land; and it is astonishing to see what hardships they will suffer, to procure and send home this pittance. A man of tried honesty is appointed to collect the individual subscriptions of the emigrants, who also engages to go home with them, and there make an equitable distribution to the donees. The subscriptions are regularly noted down, and a certain per-centage paid to this commissioner. Before he goes on board, a banquet is given by the subscribers, and then he embarks with all the wishes which human voices can utter, for his prosperous passage. On arriving at his native shores, he is welcomed by all those who are anxiously waiting for this supply. The amount of these remittances is often large, and there are instances where junks have taken on board more than sixty thousand dollars for this purpose. Notwithstanding the great precaution taken to find a proper man for so important a trust, it often happens that he runs away with the money entrusted to him, and the poor families, whose sole dependence it was, are reduced to starvation. Good faith is surely not a virtue of which the Chinese can generally boast, though there are honourable individual exceptions; at the same time, it must be admitted, that their affection towards their kindred is very strong; neither time nor distance can withdraw their attention from the beloved objects they have left behind in their native land. If an emigrant can send but a dollar he will send it; he will himself fast in order to save it; indeed, he will never send home a letter unless accompanied with some present; he will rather entirely cease writing than send nothing more substantial than paper. There are also swindlers among the colonists, who, on their arrival from China, engage in extensive mercantile speculations, and having acquired credit, and got much property in their hands, either run away, or abide the consequences in a jail.’

'The condition of the emigrants in general, on their arrival in a foreign country, is most miserable, without clothing, or money for one day's subsistence. Sometimes they have not money enough to pay their passage from home (six or twelve dollars,) and they become bondmen to anybody who pays this sum for them, or fall a prey to extortioners, who claim their services for more than a year. The junks which transport them in great numbers, remind one of an African slaver. The deck is filled with them, and there the poor wretches are exposed to the inclemency of the weather and without any shelter, for the cargo fills the junk below. Their food consists of dry rice and an allowance of water; but when the passages are very long, there is often a want of both, and many of them actually starve to death. As soon as they arrive, they fall with a ravenous appetite upon the fruits of India, and many die by dysentery and fever. The climate also has often an enervating effect upon them; but they very soon recover from it, and resume their industrious habits.'—p. 165.

The junks transporting the emigrants reminded Mr. Gutzlaff of an African slaver; but this conveys rather an exaggerated view of the discomfort to which the emigrants are subjected. They much more nearly resemble the vessels that transport Irish emigrants to America; and if it be considered that the voyage is always shorter, that it is commonly performed with a fair wind, that the climate is warm and congenial, and that there are neither women, boys, nor children among the emigrants, the Chinese probably suffer less misery than the Irish. The Chinese emigrations are of a very peculiar character. No women ever emigrate; and among the males it is very rare that there is any one under twenty years of age. Then the whole consist of the labouring class of society, for no capitalist ever emigrates, unless under this head is included the rare occurrence of a few wealthy individuals who have formed their permanent domicile abroad and are returning to it from a temporary visit to their relatives in China. A single junk has been known to convey 1200 emigrants, and from 500 to 900 are not unfrequent. All those who quit China, do it with an intention of returning; but from one cause or another, not one in a hundred ever does so.

The author has furnished materials for giving a fair estimate of the character of the Chinese government. Its results prove that it is, on the whole, by far the best Asiatic government in Asia. It is better than any of the Mohammedan despotisms; it is better than any government which the Hindus ever possessed; and it is immeasurably preferable to the Theocracies of the Birman, Siamese, and other Hindu-Chinese nations. The absence of a powerful and influential priesthood, and the absence of a hereditary and privileged aristocracy, as well as of petty

principalities with delegated and hereditary authority, may be stated as among the leading causes which have conduced to produce the prosperity of the Chinese empire as we see it. The civilization of China is of very old standing, and may be considered as the creature of some forty centuries. It is probable that it never attained so great an height as at the present moment. With the exception of a few partial insurrections, the country has enjoyed freedom from foreign invasions, and internal peace, for a full century and a half. A vast increase has taken place in the cultivation and population. Emigration is carried to a greater extent than ever it was before; and the foreign trade, more important to China than the Chinese are willing to allow, or than is generally believed, is at the present moment carried to an extent quite unprecedented in all former periods of Chinese history. If proofs of the superiority of the government of the Chinese to that of other Asiatics be required, they are at once exhibited in the greater industry and ingenuity of the people, their greater advances in the common and useful arts, and in wealth; results which could only have been produced by institutions competent to give a fair share of security to life and property. But there are many drawbacks against this picture of the results of the Chinese administration. The rigid discipline of the Chinese institutions, while it is competent to secure life and property, has broken the courage of the people, rendered the upper classes corrupt, mendacious, and cowardly beyond precedent; the lower classes generally timid and slavish; and all classes gross and sensual beyond the example of other nations. To this probably it may be ascribed, that the Chinese are of all nations the least imaginative. Their literature, if we except their chronology and statistics, which are respectable, is contemptible. Their poetry is below the rank of what would serve for the puffing advertisement of an European newspaper. Their painting and sculpture do not belong to the fine, but to the very coarsest of arts. Both of them would disgrace a sign-post. Such, in works of imagination, is the condition of a people who are skillful agriculturists, tolerable gardeners, acute merchants, who grow and manufacture the only good tea in the world, who make good porcelain, and manufacture good silks, and who did so for several thousand years before the arts were known to European nations, and who were in full possession of the arts of fabricating paper and of printing, for many generations before they were invented in Europe.

The government of China, as is pretty well known, is what is called patriarchal. But it is patriarchal on the largest scale of

which there is any record, for the family consists of between three and four hundred millions of inmates. China may be considered as a huge school-house, the master having the birch constantly in his hand, frequently using it, and delegating his authority to a couple of millions of ushers, who are equally liberal in its application. But the rod, although the chief, is not the only instrument of government. There is the *cangue* or wooden ruff, a kind of portable stocks or pillory, very convenient to the executors of the law but exceedingly inconvenient to the wearer, who can neither sleep nor lie down for it. Then there is imprisonment in cages; furthermore decapitation, not however very frequent; and in extreme cases there is crucifixion, or as it is technically called, the death by painful and slow means. Then finally, there is extortion, fining, confiscation, and banishment to Tartary, chiefly inflicted as a punishment on the natives of the warm regions of the south.

The grand panacea however, after all, is the rod. The general application of this vigorous instrument of administration, is by no means confined to China, but embraces without exception every country of the East, from Japan to Bengal, including about 500,000,000 of people, or more than half the human race. There the rod, under its various appellations of bamboo, cane, cudgel, or birch, is actively at work from morning till night, and afterwards from night till morning. The Grand Patriarch canes his first minister; the Prime Minister canes the Secretary of State; the Secretaries of State admonish Lords of the Treasury by belabouring their backs; these enforce their orders to the First Lord of the Admiralty by applying what is equal to a cat-o'-nine-tails. Generals cane field-officers, and field-officers the captains and subalterns. Of course the common soldiers of the Celestial army are caned *ad libitum* by everybody. Then husbands cane their wives, and wives cane their children. In short, the Chinese and their neighbours may be truly described as well-flogged nations. In Mr. Gutzlaff's voyages the illustrations of the application of the bamboo are very frequent,—so frequent indeed, that the traveller seems not to have had time to particularize them, in so far as the Chinese themselves are concerned. In Corea however, he gives a sample.—

‘Meanwhile the two mandarins, one of the military class, whose surname was Kin, and the other of the literary class, surnamed Le, both made their appearance, sitting on an open sedan chair, carried by four men. They immediately ordered that the sentinel stationed at the lanes, who had suffered us to proceed so far, should be punished. The poor fellow threw himself down upon the ground, be-

fore the chair, and awaited his punishment, which was to be inflicted by blows, with an instrument similar to an oar. At this critical moment, we interceded, and told the mandarins, that if this innocent man was punished on account of us, we should immediately withdraw. Such an interposition had the desired effect, and the soldiers desisted from inflicting the punishment. The spectators were delighted with this act of humanity, and we were now going to transact our business. But the mandarins ordered that a shed should be set up on the beach, and mats spread on the sand, for us to sit upon, whilst our hosts had seated themselves on tiger skins. We very soon explained to them that such incivility, in not permitting us to enter a house to settle public affairs, quite surprised us; and that, if our letters and presents could not be respectfully received, we were ready to withdraw. This had the desired effect. They sent one of their creatures to an empty house, and finally introduced us to the *outside* of one, where we squatted down upon the "sloping place." Before we entered, a poor fellow was seized, laid prostrate before the mandarins, and received two strokes over his thighs, under the pretence of improper behaviour in public business, but, in reality, to impress us with due awe of mandarin authority.—p. 334.

A little flagellation seems to be a necessary prelude to the commencement of all important business among the Chinese. To do them justice, the punishment is always inflicted with due regularity and discretion. The party flagellated is laid, or lays himself, or herself, firm on the ground, and the blows are inflicted in this position on the fleshiest part of the human body, without regard to age or sex.

The corruption of the Chinese officers is matter of old fame and notoriety. Hourly proofs of it are exhibited in every branch of the administration. The foreign trade is a capital example. Opium is at the present moment smuggled into the country to the annual value of three millions and a half sterling, and the consumption of this article is advancing yearly with an extraordinary rapidity; although the use of the drug is in contravention of the laws of the empire,—although annual edicts are issued against it,—and although within the last two years the Emperor lost his son and heir by the excessive use of the drug, and consequently felt himself sore, angry, and insulted by this contraband trade. The trade owes its existence no doubt in a good measure, to the extreme cowardice of the naval and fiscal establishments of the government; but far more to the corruption of the public officers, who are known to share regularly and largely in the profits of the smugglers. The joint export and import trade of European nations with China, cannot at present be estimated at a lower value than twelve millions sterling per annum. The imperial revenue derived from this

great trade does not exceed 300,000*l.* per annum. Every ship, as is known, pays a tonnage duty, and a specific present, without regard to her burthen. Now these two items alone united, ought to yield to the imperial treasury yearly, upon the total foreign tonnage, about 100,000*l.*, or one-third of the whole amount. But besides this, there are duties of import and of export upon almost every article, very considerable, but the rates of which it has been found impossible to determine, owing to the complexity of the system, evidently adopted or persevered in for the purpose of covering extortion, fraud, and malversation. Upon most articles of import it does not appear to amount to less than twenty per cent. Were the trade therefore in all its branches legal, and the duties faithfully accounted for, the duties on imports alone ought to afford to the public treasury 1,200,000*l.* The duties on exports do not appear to be less than ten per cent. This ought to yield 600,000*l.*; and the whole revenue, therefore, including the 100,000*l.* for tonnage, &c. ought to border upon two millions per annum; but as it is only 300,000*l.*, it is clear that through malversation and connivance at smuggling, there is received by the public officers, independent of innumerable and heavy fees, at least a million and a half sterling. The public offices of Canton are consequently the best paid in the Empire, and are in high request at the Court of Pekin; and the emoluments of the Governor and Intendant of the Port are so great, that few are allowed to continue in this situation above two or three years.

The low pay of the inferior officers of the Chinese government seems, of itself, to be a sufficient provocation to extortion and peculation; but in the state of morals in China, and in the absence of all public opinion, it is not likely that any amount of salary, however large, would insure purity in the administration of the laws. Some of the higher officers of the state are not inadequately rewarded by fixed salaries; of which the following are examples.—

	£.
The governor of Petchelec	4,800
The treasurer of ditto	2,700
The governor of the province of Keang-soo ..	7,200
The superintendent of the rivers of Keang-nan ..	2,100
The superintendent of transport on the grand canal	2,800
The governor of Fuh-keen	5,400
The chancellor of Fuh-keen	1,200
The general commanding the garrison of the city of Fuh-chow	480
The lieutenant-governor of Che-keang ..	3,000

The governor of Canton	..	..	4,500
The lieutenant-governor of ditto	..	..	3,900 *

The officers of the different provinces appear to be paid in proportion to the population of each. Some of the great provinces are, for the purposes of administration, divided into two; while two small provinces are commonly united under one local administration. Upon the whole, the Chinese salaries, although respectable, are not for magnitude comparable to those of the English. Thus, the Chancellor of Great Britam, with fourteen millions of inhabitants, has a salary of 15,000*l.* per annum; whereas the Chancellor of the imperial province of Petchelee, with double the number of people, has only 1200*l.*, or less than one month's salary of the British Chancellor; and not a word is said in China about retiring pensions, all being too happy to be allowed to quit office with their heads on their shoulders.

The government of China is, in theory, paternal and protective. When the country is visited by public calamities, such as scarcities, famines, and insurrections, the Emperor assumes the whole blame to himself; he acknowledges that he has not been sufficiently vigilant in the discharge of his public duties, or attentive in the performance of his devotions, and he promises amendment for the future; he distributes titles and rewards merit, and condescends to the most minute scrutiny into the private affairs of his people. All this while, however, he and his officers go on in the usual course, fleecing his people, deterred only from pushing matters to the last extremity by the terror of insurrection.

'In one of the houses,' says Mr. Gutzlaff when he is giving the narrative of a visit to the coast of Keang-nan, 'we saw stuck up a yellow paper given by the emperor, in token of his great respect towards an aged pair, who had lived a hundred years. This paper, with a large present, had been granted upon the representation of the local magistrate, who highly extolled this faithful pair. In reading the excellent sentiments contained in the paper, one could not avoid thinking that paternal government does really exist in theory, and that an occasional show is made in practice. I have often made these remarks to the natives, and exhorted them to value a national government founded on such amiable principles. They always laughed heartily at these remarks, and ascribed them either to my ignorance or egregious stupidity. "Our rulers," say they, "want money, and care little about the means by which it is obtained. If you know this, you know the principles and practice of our government."—p. 280.

'The missionary, for any novelty, might have been in the home dominions of the 'Defender of the Faith.'

The Chinese army is wonderful for its numbers, but far more wonderful for its pusillanimity and inefficiency. The men are badly paid, and worse armed,—some with bad matchlocks, some with spears, and some with bows and arrows. It is, however, regularly a standing army, composed of conscripts drawn from the mass of the people, and in its higher departments at least, officered by Tartars, whose courage seems at present to be pretty nearly on a level with that of the Chinese themselves. The fortresses are unskilfully constructed, and allowed to crumble to pieces. The artillery is miserable. It may be suspected that the military force employed on the northern frontier is somewhat braver and more efficient than that which has been generally presented to Europeans in the southern provinces. This may be collected to be the case, from the distant conquests achieved by the Chinese of late years over the Mohammedan Tartars of Kasghar and Turkistan, and over the people of Tibet, until their frontier has almost touched that of the British provinces in Bengal; as well as from their capacity of maintaining authority over the Mantchou tribes. Yet after all, this may be much more owing to the superior resources of the Chinese which enable them to maintain a superior army in the field, and of bribery and other forms of skilful management, than to discipline and bravery. Mr. Gutzlaff in his account of the great commercial emporium of Shang-hae, gives a vivid picture of the condition of the military force in China.—

‘We visited,’ he says, ‘the fort on the left side, and saw the internal economy of the defences of the country. It was a very massive structure, and they had done their best to arrange the batteries; yet the most despicable force could take it, for they have no skill in fortification, but place their whole reliance on the thickness of the ramparts and walls. With the slightest inspection we perceived that both the forts were constructed after the European model, which they had probably received from the Jesuits. Though the river is here more than two miles broad, these forts might command it if the cannon carried to any considerable distance. But the powder is very bad, the guns are ill served and worse directed, their touch-holes are often very wide, they are made without proportion, and I am fully persuaded that some of them would more endanger the gunner’s life than his at whom they were aimed. From the long peace which China has enjoyed, all their military works have fallen into decay. They even seem anxious that all should crumble to dust, and that wars should be blotted from remembrance. As far back as Chinese history informs, this empire was never so large as at this moment. The reigning Tartar family has grasped dominion in every direction, and been successful in all their ambitious enterprises. That so happy a termination of their warlike exploits should suggest to them that the nation is invin-

cible, and can defend itself without fortifications, is not surprising. Their contempt of European tactics, without the aid of which they rendered whole nations, north and west of China, tributary, is as natural as the Turkish military bigotry, while they vanquished Europe.'

'Notwithstanding, it is really difficult to ascertain the means by which so extensive an empire is kept together. Persons in the least acquainted with Chinese institutions, can by no means ascribe it to the wisdom of the theoretical laws of the Celestial Empire. Many of them read excellently, but cannot be reduced to practice, because they are not adapted to existing circumstances. Others are trampled on both by mandarins and people; and few are strictly observed. Nor can we ascribe this political phenomenon to the internal vigour of the dynasty. So far as I have known the Tartars, they are great cowards, and they have received their political lessons from the Chinese. Apparently, the principal means which confirm their administration are bribes, which are profusely distributed to those who have the disposition to question their authority, and the power to enforce this questioning.'—p. 293.

The true cause of the facility of governing China arises out of the docility, peaceful and industrious habits, and timid and unwarlike character of its inhabitants. A few Tartar shepherds lead them or drive them almost as quietly and with as little trouble, as they guided their own flocks of sheep in their native *steppes*. Had not the Chinese, by the discipline of ages, been rendered among the most yielding and obsequious of mankind, it would have been utterly impossible for a few rude and unskilful strangers to have maintained authority over them for more than two centuries, and in nearly all this time to have held them under a single administration. The Chinese government is maintained in its integrity on the same principle, but carried to a greater length, with that by which the English maintain their supremacy over 120,000,000 of Indians. In both cases, the docility and industry of the conquered people yield the resources which enable the conquerors to maintain their authority over them. But the task of the English is by far the most difficult of the two; for their subjects are less industrious but more warlike than those of the Mantchous. The account however is more than balanced by the superior skill, courage, and civilization of the English. It is clear that a comparative handful of warlike barbarians, would have easily baffled the power both of the one set of conquerors and of the other.

There is one passage more which may be extracted from Mr. Gutzlaff's narrative, peculiarly characteristic of the military prowess of the Chinese.—

'As soon,' he says, 'as we had left the harbour [of Shang-hae], they

fired most valiantly, leaving us no doubt of their heroism; the military camps were immediately withdrawn, and the mandarins no doubt began to breathe freely. Had we come hither as enemies, the whole army would not have resisted half an hour, for they were all dispirited; and the mandarins went so far as to report that one soldier had actually died at the sight of our second mate: the war-boats are unable to keep out the smallest well-armed ship; and the people highly disapprove of the restrictions upon trade. All this we have fully ascertained, and make report of it to draw the attention of missionaries, as well as merchants, to this interesting field. At the same time, we should highly disapprove of violent measures to obtain an object, which might be gained by firmness and resolution.'—p. 310.

In matters theological, the Chinese may be described as an irreligious yet a superstitious people. But among their many superstitions, it must be allowed that there are none which are bloody, cruel, or very offensive. The great object is to propitiate the good-will of benignant spirits, and to deprecate the wrath of evil ones. With this view hogs and poultry are sacrificed, and corn and fruits are deposited at the shrines of certain idols; but the necessities of life are far too precious in China to afford throwing these good things away, and consequently they are invariably devoured by the votaries. The sacrifice is only distinct from the feast, where the necessities of life are abundant, as among the Siamese, Birmans, and others, with whom it is held in abomination to use food once offered to the gods. The Chinese, like the Greeks and Romans, exhibit plays in honour of their gods; and a frequent and cheap form of propitiating their gods, or invoking the manes of their ancestors, is to burn incense-rods or bits of paper covered with tinsel, or to strew the latter upon the ground, or throw them into the water.

There are three forms of worship prevalent among the Chinese. The religion of Confucius, or the worship of the elements or joint powers of earth and sky,—this is the fashionable religion among the learned. Then there is the religion of Taou, a sort of mysticism, less prevalent. And the worship of Budha or Fo, imported from India, and a favourite with the vulgar. The introduction of these three forms of worship appears to be nearly cœval, and took place shortly after the Christian æra. The veneration and worship of ancestors are common alike to the three religions. The notions of the Chinese respecting the unity of the Deity are very imperfect. —

'There is,' says Mr. Gutzlaff, 'strictly speaking, no state religion. The Confucians are latitudinarians; yet there are certain rites prescribed which must be observed by all who are in the service of the government [*A Test-Act, by the head of Confucius!*]. The emperor himself very solemnly worships heaven and earth (Teen-te); the

provincial governors, the gods of the land (Shay and Tseih), with all the spirits presiding over the elements; the queen of heaven, (Teen-how), who, with Lung-wang, rules also over the sea; the god of war, (Kwan-te); and, above all, Confucius, and the gods of literature. The worship of their ancestors is observed by the literati with far greater strictness than by the common people. Thus we meet atheism in league with polytheism, and both in opposition to true religion.'—p. 378.

'Their fears and hopes,' adds the author, 'terminate with this life.' But this, it may be suspected, is too sweeping a conclusion with respect to the whole of the Chinese people. The followers of Budha, as every one knows, believe in a state of future rewards and punishments; and the universality of the worship of the spirits of ancestors, shows that the people generally, in one shape or other do the same thing. The disbelief, or rather the want of knowledge, of the unity of the Deity, originates among the Chinese, not from the exercise of their reason, but from ignorance or confusion of ideas, and above all, from indifference to such questions. Certainly there are some among them who are in a state of great doubt concerning the existence of a future state; but they are not for this reason to be accounted atheists, any more than the ancient Jews, who in this matter were exactly in the same predicament.

The character of Chinese religion is by Mr. Gutzlaff depicted in the following paragraph.—

'Astrology, divination, geomancy, and necromancy, prevail everywhere in China. Though some of these practices are forbidden by the government, yet the prohibitions are never carried into effect. The Chinese wear amulets, have tutelar deities, enchanted grounds, &c. all the offspring of blind superstition. We lament the deep degradation of human nature in a nation endowed with sound understanding, and no wise destitute of reflecting minds. We, at the same time, cannot avoid noticing their general apathy towards all religious subjects. They are religious, because custom bids them to be so. Forms and ceremonies are the whole which occupy their minds, their hearts scarcely ever participate in any religious worship. That the doctrines of Confucius have greatly contributed to form the national character in this respect, is doubtless the fact. With him every thing is form, and the outward ceremony is worship. Earthly pursuits fill the whole mind of a Chinese; to gain money, to obtain honour, to see his name propagated in his offspring, are the objects for which he constantly strives. When he has gained his end, he relaxes in energy, and calmly enjoys his felicity. He dreads death as the destroyer of all bliss, and frequently builds splendid temples to avert the indignation of the gods on account of his ill-gotten gain. There are few exceptions to this general assertion, that, in religious matters, the Chinese are among the most indifferent people on the earth.'—p. 385.

The religion of Budha, although often decried by the government as a dangerous doctrine, because, it may be presumed, it takes a stronger hold of the imagination than either of the other forms of worship, appears to be more common and flourishing in some parts of China than is generally suspected. Mr. Gutzlaff and his companions found one island of the Chu-san group, in the latitude of $30^{\circ} 3'$, wholly occupied by the priests and temples of this form of worship; and the following description is given of it, in the narrative of the voyage of the Sylph.—

‘At a distance, the island appeared barren and scarcely habitable, but as we approached it, we observed very prominent buildings, and large glittering domes. A temple built on a projecting rock, beneath which the foaming sea dashed, gave us some idea of the genius of its inhabitants, in thus selecting the most attractive spot to celebrate the orgies of idolatry. We were quite engaged in viewing a large building situated in a grove, when we observed some priests of Budha walking along the shore, attracted by the novel sight of a ship. Scarcely had we landed when another party of priests, in common garbs and very filthy, hastened down to us, chanting hymns. When some books were offered them, they exclaimed, “Praise be to Budha,” and eagerly took every volume which I had. We then ascended to a large temple surrounded by trees and bamboo. An elegant portal and magnificent gate brought us into a large court, which was surrounded with a long row of buildings—not unlike barracks,—but the dwellings of the priests. On entering it, the huge images of Budha and his disciples, the representations of Kwan-yin, the goddess of mercy, and other deformed idols, with the spacious and well adorned halls, exhibit an imposing sight to the foreign spectator. With what feelings ought a missionary to be impressed when he sees so great a nation under the abject control of disgusting idolatry? Whilst walking here, I was strongly reminded of Paul in Athens, when he was passing among their temples, and saw an altar dedicated “To the unknown God.” For here we also found both a small hall and an altar covered with white cloth, allotted to the same purpose. I addressed the priests, who followed us in crowds, for several hundreds belong to this temple; they gave the assent of indifference to my sayings, and fixed their whole attention upon the examination of our clothes. It was satisfactory, however, to see that the major and intelligent part of them were so eagerly reading our books, that they could not find a few moments even to look at us. The treatise which pleased them most, was a dialogue between *Chang* and *Yuen*, the one a Christian and the other an ignorant heathen. This work of the late much-lamented Dr. Milne, contains very pointed and just remarks, and has always been a favourite book among the Chinese readers.’

‘The high priest requested an interview. He was an old deaf man, who seemed to have very little authority, and his remarks were common-place enough. Though the people seemed to be greatly embarrassed at our unexpected appearance, their apprehensions

gradually subsided ; meanwhile we had the pleasure of seeing our ship coming to anchor in the roads. Having therefore renewed my stock of books with a larger store, I went again on shore. At this time the demand was much greater, and I was almost overwhelmed by the numbers of priests who ran down upon us, earnestly begging at least a short tract, of which I had taken great quantities with me ; I was very soon stripped of all, and had to refuse numerous applications.'

'We afterwards followed a paved road, discovering several other small temples, till we came to some large rocks, on which we found several inscriptions hewn in very large letters. One of them stated that China has sages ! The excavations were filled with small gilt idols and superscriptions. On a sudden we came in sight of a still larger temple, with yellow tiles, by which we immediately recognised it as imperial. A bridge, very tastefully built over an artificial tank, led to an extensive area paved with quarried stones. Though the same architecture reigned in the structure of this larger building as in the others, we could distinguish a superior taste and a higher finish. The idols were the same, but their votaries were far more numerous ; indeed this is the largest temple I have ever seen. The halls being arranged with all the tinsel of idolatry, presented numerous specimens of Chinese art.'

'These colossal images were made of clay, and tolerably well gilt. There were great drums and large bells in the temple. We were present at the vespers of the priests, which they chaunted in the Pali language, not unlike the Latin service of the Romish church. They held their rosaries in their hands, which rested folded upon their breasts ; one of them had a small bell, by the tinkling of which their service was regulated ; and they occasionally beat the drum and large bell to rouse Budha to attend to their prayers. The same words were a hundred times repeated. None of the officiating personages showed any interest in the ceremonies, for some were looking around, laughing and joking, whilst others muttered their prayers. The few people who were present, not to attend the worship but merely to gaze at us, did not seem in the least degree to feel the solemnity of the service. Though we were in a dark hall, standing before the largest image of Budha, there was nothing impressive ; even our English sailors were disgusted with the scene. Several times I raised my voice to invite all to adore God in spirit and in truth, but the minds of the priests seemed callous, and a mere assent was all which this exhortation produced. Though the government sometimes decries Buddhism as a dangerous doctrine, we saw papers stuck up, wherein the people were exhorted to repair to these temples in order to propitiate heaven to grant a fertile spring ; and these exhortations were issued by the emperor himself. What inconsistency !'

'This temple was built during the time of the *Leang* dynasty, several centuries ago (about A.D. 550,) but it has undergone great repairs ; and both under the last and present dynasties enjoyed the imperial patronage. It was erected to emblazon the glorious deeds of the goddess of mercy,

who is said to have honoured this spot with her presence. On the island are two large, and sixty small temples, which are all built in the same style, and the idol of Kwan-yin holds a prominent station among her competitors. We were told, that, upon a spot not exceeding twelve miles square, (for this appears to be the extent of the island,) 2,000 priests were living. No females are allowed to live on the island, nor are any laymen suffered to reside here, unless they be in the service of the priests. To maintain this numerous train of idlers, lands on the opposite island have been allotted for their use, which they farm out; but as this is still inadequate, they go upon begging expeditions not only into the surrounding provinces, but even as far as Siam. From its being a place of pilgrimage also the priests derive great profits. Many rich persons, and especially successful captains, repair thither to express their gratitude and spend their money in this delightful spot. For this reason the priests have large halls and keep a regular establishment, though they themselves live on a very sparing diet. We never saw them use any meat; few are decently dressed; and the greater part are very ignorant, even respecting their own tenets. We saw many young fine-looking children, whom they had bought to initiate them early into the mysteries of Buddhism. They complained bitterly of the utter decay of their establishment, and were anxious to obtain from us some gift. To every person who visits this island, it appears at first like a fairy land, so romantic is every thing which meets the eye. Those large inscriptions hewn in solid granite, the many temples which appear in every direction, the highly picturesque scenery itself, with its many-peaked, riven, and detached rocks, and above all a stately mausoleum, the largest which I have ever seen, containing the bones and ashes of thousands of priests, quite bewilder the imagination.'—p. 438.

How like are man's ways in one country, to his ways in another. What did the missionary find here, that he might not have seen in Italy or Spain; though he does not appear to have found it out?

It has been already stated, that there is no hereditary priesthood, no richly-endowed religion at all, and no state religion in China; and to their absence, without doubt, may be ascribed much of that ingenuity, industry, and civilization which distinguish the Chinese beyond other Asiatic nations. The Chinese, indeed, may be thought to carry their distaste to the clerical profession too far. The clergy of China are in fact despised and looked upon as among the lowest of the people; and there is nothing known of their habits and acquirements which should entitle them to a higher rank in society. In truth, they are little better than what our old English calls 'sturdy and valiant beggars;' and it is natural enough that beggars of whatever order, should be little respected among an eminently industrious people. They seem generally to be looked

upon, and indeed generally to be employed, in the same manner as gipsies and fortune-tellers are looked upon, and employed by ourselves. The vulgar believe and have recourse to them, without respecting them; and the educated classes neither believe them nor employ them.

‘The natives here,’ says Mr. Gutzlaff speaking of those of the metropolitan port of Teen-tsin, ‘seemed to be no bigots in religion. Their priests were poorly fed, and their temples in bad repair [*an old argument in its converse*]. The priests wear all kinds of clothing; and, except by their shaved heads, can scarcely be distinguished from the common people. Frequently I have seen them come on board the junk to beg a little rice, and recite their prayers, with a view to obtain money. But, notwithstanding the degradation of the priests, and the utter contempt in which their principles and precepts are held, every house has its *lares*, its sacrifices, and offerings; and devotions, if such they may be called, are performed with more strictness even than by the inhabitants of the southern provinces.’—p. 136.

In China, there are found a few Christians, a few Mohammedans, and a still smaller number of Jews. The Christians are the descendants of the converts made by the Jesuits in the seventeenth and eighteenth centuries. The Mohammedans are natives of Turkistan, and a few of them were encountered by the voyagers. The Jews have a single synagogue at Kae-fang-foo, the capital of the province of Honan, and are supposed to have come to China two centuries before the Christian era. In China every new sect, or heresy from one of the established religions, is either persecuted or liable to persecution, and the Emperor is constantly issuing edicts against them. Notwithstanding the indifference of the Chinese, under ordinary circumstances, to religious opinion, this matter is easily accounted for. Innovation is commonly hateful to every established government, and above all, hateful to a despotic government like that of China, sensible of its own infirmity. To be able to throw off the trammels of the established superstitions, indicates a dangerous spirit; and although the innovation be only in a matter of doctrine or opinion, the Chinese government is fully aware that religious reform is ever accompanied by a desire for political reform. A heresy in philosophy would probably share the same fate in China as a heresy in religion, and for the same reason. It would imply that men dared to think for themselves, which would be a treason not to be endured.

The commerce of China is to this nation at the present moment a question of peculiar interest and importance, and the narratives of Mr. Gutzlaff afford some valuable notices respecting it. The native trade may first be referred to. The author sailed

in a Chinese junk ; associated entirely with its crew ; and being well acquainted with the language and writings of the people, his testimony is of course of very high value. In describing the trade with Siam, the most important branch of the native foreign trade of China, he has the following observations.—

‘ They [the Chinese traders] select the export cargo according to their several places of destination, and leave Siam in the last of May, in June, and in July. These vessels [the Chinese junks] are about eighty in number. They are called Pak-tow-sun, (or Pih-tow-chuen, white headed vessels), are usually built in Siam, and are of about 290 or 300 tons, manned by Chaou-chow men from the eastern district of Canton province. The major part of these junks are owned either by Chinese settlers at Bangkok or by Siamese nobles. The former put on board, as supercargo, some relative of their own, generally a young man, who has married one of their daughters ; the latter take surety of the relatives of the person whom they appoint supercargo. If any thing happens to the junk, the individuals who secured her are held responsible, and are often, very unjustly, thrown into prison. Though the trade to the Indian Archipelago is not so important, yet about thirty or forty vessels are annually despatched thither from Siam.’

‘ Chinese vessels have generally a captain, who might more properly be styled a super-cargo. Whether the owner or not, he has charge of the whole of the cargo, buys and sells as circumstances require ; but has no command whatever over the sailing of the ship. This is the business of the Ho-chang or pilot. During the whole voyage, to observe the shores and promontories are the principal objects which occupy his attention, day and night. He sits steadily on the side of the ship, and sleeps when standing, just as it suits his convenience. Though he has, nominally, the command over the sailors, yet they obey him only when they find it agreeable to their own wishes ; and they scold and brave him, just as if he belonged to their own company. Next to the pilot (or mate) is the To-kung (helmsman), who manages the sailing of the ship ; there are a few men under his immediate command. There are, besides, two clerks ; one to keep the accounts, and the other to superintend the cargo that is put on board. Also, a comprador, to purchase provisions ; and a Heang-kung, (or priest), who attends the idols, and burns, every morning, a certain quantity of incense, and of gold and silver paper. The sailors are divided into two classes ; a few called Tow-muh (or head men), have charge of the anchor, sails, &c. ; and the rest, called Ho-ke, (or comrades), perform the menial work, such as pulling ropes, and heaving the anchor. A cook and some barbers make up the remainder of the crew.’

‘ All these personages, except the second class of sailors, have cabins ; long, narrow holes, in which one may stretch himself, but cannot stand erect. If any person wishes to go as a passenger, he must apply to the Tow-muh, in order to hire one of their cabins, which they let on such conditions as they please. In fact, the sailors exercise full control over the vessel, and

oppose every measure which they think may prove injurious to their own interest; so that even the captain and pilot are frequently obliged, when wearied out with their insolent behaviour, to crave their kind assistance, and to request them to show a better temper.'

'The several individuals of the crew form one whole, whose principal object in going to sea is trade, the working of the junk being only a secondary object. Every one is a shareholder, having the liberty of putting a certain quantity of goods on board; with which he trades, wheresoever the vessel may touch, caring very little about how soon she may arrive at the port of destination.'

'The common sailors receive from the captain nothing but dry rice, and have to provide for themselves their other fare, which is usually very slender. These sailors are not, usually, men who have been trained up to their occupation; but wretches, who were obliged to flee from their homes; and they frequently engage for a voyage, before they have ever been on board a junk. All of them, however stupid, are commanders; and if anything of importance is to be done, they will bawl out their commands to each other, till all is utter confusion. There is no subordination, no cleanliness, no mutual regard or interest.'

'The navigation of junks is performed without the aid of charts, or any other helps, except the compass; it is mere coasting, and the whole art of the pilot consists in directing the course according to the promontories in sight. In time of danger, the men immediately lose all their courage; and their indecision frequently proves the destruction of their vessel. Although they consider our mode of sailing as somewhat better than their own, still they cannot but allow the palm of superiority to the ancient craft of the "Celestial Empire." When any alteration for improvement is proposed, they will readily answer,—"If we adopt this measure we shall justly fall under the suspicion of barbarism."—p. 53.

The character of the Chinese mariners is thus described.—

'The Chinese sailors are, generally, as intimated above, from the most debased class of the people. The major part of them are opium-smokers, gamblers, thieves, and fornicators. They will indulge in the drug till all their wages are squandered; they will gamble as long as a farthing remains; they will put off their only jacket and give it to a prostitute. They are poor and in debt; they cheat, and are cheated by one another, whenever it is possible; and when they have entered a harbour, they have no wish to depart till all they have is wasted, although their families at home may be in the utmost want and distress. Their curses and imprecations are most horrible, their language most filthy and obscene; yet, they never condemn themselves to eternal destruction.'—p. 61.

Again, he says—

'Our sailors, having disposed of their part of the cargo, and obtained their full wages, gave themselves up to gambling—the general diversion of this place. Nor did they desist from this practice

until most of them had lost every thing they possessed. They had now to borrow money in order to purchase clothes to protect them against the inclemency of the weather; new scenes of contention and quarrelling were daily exhibited; and the lives, as well as the persons of some individuals, put in great jeopardy. They also indulged freely in the use of spirituous liquors, which were very strong and intoxicating; and finally they betook themselves to wretched females. In these circumstances their misery was extreme; several of them were seized upon by their creditors, some hid themselves, and others absconded.'—p. 141.

This description is perhaps a little coloured, the result of the worthy missionary's disgust at the superstitions practised by the Chinese sailors. 'The most disgusting thing on board a junk,' he says, 'is idolatry, the rites of which are performed with the greatest punctuality.' And this is said, be it remembered, after the long catalogue of ugly vices above recited. The character of the Chinese sailors is probably, after all, not much worse than that of the sailors of some other countries which might be named. There is a marvellous likeness in some points, to the Jack Tar of the old regime;—pigtails included.

'On the 17th of November,' says the author, 'we finally got under way, passed along the rugged coast of Leaoutung [Chinese Tartary], and on the next day reached the province of Shan-tung. Unluckily for us, snow now began to fall, and our sailors thought it expedient to come to an anchor, though we had a fair breeze, which would have enabled us to make the Shan-tung promontory. My strongest arguments and representations were all to no purpose.—"Down with the anchor, enter the cabins, smoke opium, and take rest," was the general cry among the men. The next day they showed no disposition to proceed, and went on shore to buy fuel. When we were again under way, and the wind was forcing us round the promontory, the sailors thought it best to come to anchor at Toa-sik-tow (or Ta-shih-taou), near the promontory, where there is a large harbour. This place is too rocky to yield any provisions; but some of the adjacent country is well cultivated, and furnishes good supplies. The inhabitants carry on some trade in drugs, but are generally very poor. The sailors crammed our junk, already well filled, till every corner was overflowing with cabbages and other vegetables; even the narrow place where we dined was stuffed full. "We must trade," was their answer when I objected to these proceedings.'

'A favourable breeze now began to blow, and I tried to persuade the men to quit the shore, and get the junk under way. They, however, told the pilot plainly, that they did not wish to sail; but after many intreaties, he finally prevailed on them to weigh anchor. A fair wind had almost borne us out of sight of the promontory, when the breeze veered round to west, and

the sailors immediately resolved to return and anchor: all sails, therefore, were hoisted in order to hasten the return; but the wind changing back again to a fair point, they were unable to effect their purpose, and so cast anchor. They continued in this situation, exposed to a heavy sea, till the wind abated; then they entered the harbour, and went on shore, the same as previously,—wholly regardless of the wind, which had now again become fair. I strongly expostulated with them, and urged them to go out to sea, but—"It is not a lucky day," was their reply. Nor was it till after a wearisome delay, and when other junks, leaving the harbour, had set them an example, that they were, at length, prevailed on to get under way. We had not proceeded more than fifty leagues, when the fellows resolved once more to return, but were prevented by strong northerly gales, which now drove us, *volens volens*, down the coast."—p. 148.

The foreign native trade of China is conducted with the following countries; Japan, the Loo-choo Islands, Corea, Tonquin, Cochin-China, Camboja, Siam, the Philippine Islands, and about eight different ports or places of the great Indian Archipelago. Beyond Acheen, on the western extremity of this archipelago, the Chinese have never ventured, and the world further west than this longitude is known to them only by hearsay. Besides the foreign trade seawise, the Chinese have a considerable inland trade with Russia on the Siberian frontier, and with Tonquin, Siam, and the country of the Birmanes, on their respective frontiers. The whole trade seawise may be probably estimated to employ about 80,000 tons of shipping, to give employment to from about 16 to 20,000 seamen, and to be in value, including imports and exports, about two millions sterling per annum. China and the countries with which it holds a foreign trade, stand to each other pretty much in the same relation as do Europe and America to each other; the civilized and populous country furnishes the less civilized and less populous countries with manufactured articles, and receives in return a great variety of raw produce.

The foreign native trade of China is, after all, but a small affair in comparison with the trade which is carried on seawise between one province of the country and another. The nature of this commerce, as well as the extent of the commercial capacity of China generally, may be best appreciated by a sketch of some of the principal ports visited and described by Mr. Gutzlaff and his companions.

• From the eastern border of Tonquin, in latitude $21^{\circ} 40'$ longitude $108^{\circ} 10'$, to the northern frontier of Che-keang in latitude 31° and longitude 121° , a distance of not less than 1, miles, the coast of China is bold, and composed of primitive mountains. It is indented with bays and great estuaries;

skirted by many islands, and contains many of the finest harbours in the world, admirably well calculated for the purpose of promoting a great foreign and coasting trade. From the northern frontier of Che-keang again, until approaching the promontory of Shan-tung in latitude $36^{\circ} 50'$, a distance of 360 miles, the land is low, flat, alluvial, and rich, containing the debouchements of the two grand rivers of China. Here there are few or no islands on the coast, the land is little broken, the coast is lined by sand-banks, the entrances of the rivers are either un navigable or dangerous, and there are no known harbours. After passing the promontory of Shan-tung, in the whole of the Yellow Sea, up to the head of the gulf of Leaou-tung in 41° , the coast is low, there are few harbours, and the dangers of the navigation of this quarter are aggravated by the peculiar severity of the climate, so close to the cold regions of Siberia. The first portion, with the countries included within it, may be described as a warm or tropical country, the second a temperate and fertile region, and the third a cold one. The wide bounds of China in fact may be considered as embracing in themselves, what may be considered at once as equivalent to tropical America, the temperate regions of the south of Europe, and the cold regions of Russia, Sweden and Denmark. The intercourse which naturally subsists between regions of the same country so dissimilar in physical geography and climate, and consequently in production, is necessarily of the same character as that which subsists in other parts of the world between different nations in distant regions of the globe.

Canton is too well known to need description. The first great emporium of trade north of it, is Amoy, which is thus described by Mr. Gutzlaff.—

‘After many delays we finally arrived at Amoy. This place is situated on a very large island, on the left side of a bay, which deeply indents the country, and forms numerous islands. The city is very extensive, and contains at least two hundred thousand inhabitants. All its streets are narrow, the temples numerous, and a few large houses owned by wealthy merchants. Its excellent harbour has made it, from time immemorial, one of the greatest emporiums of the empire, and one of the most important markets of Asia. Vessels can sail up close to the houses, load and unload with the greatest facility, have shelter from all winds, and in entering or leaving the port, experience no danger of getting ashore.’—p. 173.

‘We arrived at Amoy harbour about three o’clock. Scarcely had we come to anchor when a mandarin boat approached, and one of the boatmen joyfully exclaimed, “Oh! she is a trader!”’—p. 176.

At this place the English and Dutch once had a considerable

trade; and the slothful Spaniards have still permission to trade, but do not avail themselves of it.

The great city of Fuh-chow in 26° of latitude, one of the principal trading ports of China, with its neighbourhood is described as follows.—

‘We arrived to-day in the harbour of Fuh-chow, after having, the day before, slightly touched the ground. The whole atmosphere was shrouded in darkness, which obscured the landmarks at the entrance of the harbour; yet we had excellent pilots on board, who brought us in safely. We are now come to that district whence the greatest quantity of tea is furnished for consumption in Europe.’

‘The hills where the tea is cultivated, stretch abroad in every direction. The soil does not yield a sufficient quantity of rice for home consumption; however, the exports of timber, bamboo, and teas, more than balance the imports of rice and cotton. The whole region is very romantic: ridges of undulating hills, naked in part, and partly cultivated, in form of terraces, up to the top, give the whole a most picturesque aspect. The river, which leads up to the capital, is broad and navigable as far as the city. Here are no fragments of ancient edifices, or other classic ruins, but a display of Chinese industry and skill in all its variety. The villages and hamlets are very numerous all along the river; often in beautiful situations. The Dutch anciently traded at this port; but even the remembrance of it is now lost. Our appearance, therefore, struck the inhabitants with astonishment. The entrance of the river is in latitude $26^{\circ} 6'$, longitude $119^{\circ} 55'$. As soon as we had anchored, we were visited by the inhabitants of the adjacent village. They made no inquiries after trifles, but were anxious to ascertain the prices of our cargo, and invited us to their village. Fertile fields, sown with wheat, naked rocks, and plains of sand, gave a diversified aspect to the whole environs. We visited our friends in their houses, and held very long conversations with them, principally upon trade. They received the books with hearty pleasure, and read them most diligently. After going through the village, and scrambling over several cliffs, we were intending to return, but were pressingly invited by a merchant to partake of a supper, which he had prepared for us in a public hall. We supped, therefore, upon very good fare, among an immense crowd, who were extravagantly delighted to see us their guests, and urgent that we should partake freely of their refreshments. We felt very happy in the midst of these cheerful people, who did not act on the principle of the mandarins, that barbarians must be treated as enemies.’

‘Ignorant of the situation of Fuh-chow, we started in search of it. Steering north by west, the first object which drew our attention was a war-junk, anchored in a little bay. Hitherto we had not been annoyed by them, and we began to cherish the hope that we might escape their vexatious visits. The beautiful scenery on the banks of the river, which reminded me of the Rhine in Germany, was enlivened by the numerous hamlets in all directions. We came to the entrance of a second river,

which is more shallow than the first by which we came in. Near the junction, a village is built, with a granite jetty: on both sides are dismantled forts, apparently without garrisons. As soon as the mandarin on the opposite side espied us, he immediately ordered us to return. But finding us obstinate, he tried to terrify us by the tremendous peal of the gong. When every measure failed, he gave us over to the mercy of the other boats in pursuit of us. But as none of them could come up with us, they gave up the pursuit, and returned to their stations. When we had passed the narrow point of the river at Min-gan, the boats molested us no more, and we had the pleasure of admiring the cascades, which fell down the rocky declivities. Farther up is an island, in the midst of the river; the water shoals from seven to five and a half fathoms. On the southern bank is a large pagoda, with high, towering hills, in the back ground, cultivated up to the very summit. Many junks were passing to and fro, to which we distributed books.'

'The river, which is here two miles broad, divides into two branches; the northern, and largest of which, leads to Fuh-chow. There is a lofty mountain, bearing north-west one-half west from this: near the north bank of the river is a large shoal, with two fathoms water; on the south, varying from one to three fathoms. Perceiving, at a distance, a forest of junks, which we supposed near the city, we steered for them, and the city gradually opened to view. On a nearer approach, the numerous small craft were found to be coasters from the Che-keang province, and vessels constructed purposely for the carriage of timber and bamboo. The next object which arrested our attention, was a great stone bridge; a rude, but substantial structure, built quite across this broad river. The natives, from all quarters, crowded around us, to behold the novel sight of foreigners. We speedily stepped ashore, and found an easy passage through all the crowds, whose politeness was by no means inferior to their curiosity. As we had drawn up a petition, we proceeded in quest of the governor, passing through a very long street, both sides of which were lined with shops, richly supplied with every variety of merchandise. Many dwellings were spacious and commodious; and, though of wood, were built in an elegant Chinese style. The eyes of all were fixed upon us, and their reiterated inquiries were satisfied, by simply distributing a small pamphlet which had been written "*upon the English nation.*" Scarcely any means adopted to promote a friendly intercourse, proved so effectual as the circulation of this paper.'—p. 213. •

It may be commemorated of this pamphlet, that it was a special subject of rebuke from the wiseacres of the East India Direction. Truly when a nation is disposed to give fortunes to men for injuring its interests, it seldom fails of accomplishing its object.

Mr. Gutzlaff, in another place, observes of this port, in narrating the voyage of the *Amherst*;—

'During this period we had been very successful in trade, and we

might have traded to a greater amount if we had not demanded too high a price, and been desirous to retain our cargo for the northern ports.'—p. 235.

Ning-po, a great commercial port and city once frequented by Europeans, and in about the same parallel of latitude with Cairo in the old and New Orleans in the new world, is thus sketched.—

'The banks of this river are so low that dykes are very necessary: the whole region, with the exception of long ridges of sterile hills, is highly cultivated. It was the time of wheat harvest, and all the people were in the fields, cutting their corn, which this year amply repaid their labour. Even in the houses of the peasants we remarked more comfort and neatness than in the parts we had hitherto visited. To a mandarin boat which had come up with us we gave a report of our ship, and passed on undisturbed towards Ning-po, situated about eleven miles up the river. The noise of junk-building, and the large quantities of timber which were piled up on both sides of the stream, announced the neighbourhood of Ning-po. The people looked very disdainfully at us, and repeatedly called out *hi-kwei*, "black devils." In the middle of the city the river divides into two branches, neither of which has fresh water. The junks here were larger and more numerous than at Fuh-chow. While in search of the principal office we passed a broad street, well lined with the most elegant shops, which even exceed those at Canton. European manufactures, as well as Chinese, were here displayed to much advantage. Mirrors and pictures also, with the most splendid silks, embellished and decorated the scene.'—p. 242.

'Returning by a circuitous route to our boat, we came to the city wall, a very massive structure, but overgrown with weeds, and in a state of decay. We had here a view of the whole city. In extent it may vie with Fuh-chow, and in population is not inferior to many of the large trading towns of Europe. It surpasses anything Chinese which we have yet seen, in the regularity and magnificence of the buildings, and is behind none in mercantile fame. The Portuguese traded to this place as early as the sixteenth century. They found here a ready market for European products, and they exported hence to Japan a great amount of silk. After being once expelled they renewed it again, and other European nations participated with them in the trade, till the extortions became so great as to limit the foreign merchants to Canton.'—p. 246.

Shang-hae, one of the great emporia of the foreign native trade, in about the 31st degree of latitude, not far from the entrance of the greatest of the Chinese rivers, and in the rich province of Keang-nan, is referred to as follows.—

'We had now advanced half-way up to the city, whither many junks were proceeding. Those belonging to this place are of an oblong form, and have generally four masts, and canvas sails. They

seldom exceed two hundred tons burthen, are all of them numbered, and have the place where they belong written in very large letters along the side. They are bad sailors, and are very frequently wrecked. They visit, principally, the harbours of Leaou-tung, or Mantchou Tartary, from whence they import oil-cakes and peas; whilst they export silks, and other manufactures of Keang-nan.—p. 281.

‘The city is built on the left side of the river,’ with houses generally very low, streets narrow, shops numerous, some magnificent temples, and excessive bustle.—p. 282.

‘It will not be amiss to remark here that Shang-hae ranks after Canton in importance. Though this may not be the only emporium near the Yang-tsze-keang, and thus the only place for importation to Keang-nan, the junks from all the southern provinces are prohibited from proceeding to the harbours north of this great river.’

‘There is always a brisk trade carried on, which would be much increased, if Europeans were admitted to the port. The consumption of foreign articles, among the many millions who inhabit central Asia, is very great. Hence the imports far exceed the exports; the latter consist chiefly of raw silk, silk stuffs and teas, besides manufactures fabricated by the skilful hand of the Keang-nan people. Ships bound to this place might touch at Sha-po in Che-keang province, Hang-chow district, and at Soo-chow, a little south-west of Woo-sung river. This latter place is one of the most populous and delightful districts of the whole Chinese empire, and might fully claim the poetical name of Arcadia. That so large a field for mercantile enterprise has been hitherto overlooked, is really surprising. [*Nothing surprising at all. Have we not been in the hands of monopolists and rogues?*] The fear of infringing Chinese laws has deterred ships from even attempting to open commercial intercourse. It is true there are obstacles, but not insurmountable; they are surely less than at New Zealand or Madagascar.’—p. 303.

In another place he further observes of the same part of the country;—

‘This central part of China is very fertile, being a continuous plain of a black, loamy soil, well irrigated by numerous ditches and canals. The population is immense, and if we ought to judge from the numerous children which we saw, it is on the increase. Shang-hae appears to be the greatest emporium of the empire. We found there more than a thousand junks moored opposite the city, and others were arriving whenever the weather permitted. We may call it the gate of central Asia, and especially of the central provinces of China. During the time we remained in the port, (from Dec. 25th, 1832, till Jan. 5th, 1833,) though it is situated in latitude 31° north, the weather was rather severe, the thermometer seldom rising above 33.’—p. 428.

The description of the Chinese ports visited by the voyagers, may be closed with a very interesting one given of Cha-poo, the

emporium of Japanese commerce, lying between the 30th and 31st degree of latitude.—

‘Cha-poo is the only place from whence the imperial monopoly with Japan is carried on. It has a tolerable harbour, with considerable overfalls. The rise and fall of the tide is very great, so much so that the smaller junks are left high and dry at low water. Together with its suburbs, the town is perhaps five miles in circuit, built in a square, and intersected by numerous canals, which are connected with the Hang-chow river. Nothing can exceed the beautiful and picturesque appearance of the surrounding region. We may say, that as far as the eye can range, all is one village interspersed with towering pagodas, romantic mausoleums, and numerous temples. The adjacent country is called the Chinese Arcadia; and surely if any territory in China is entitled to this name, it is in the tract around Hang-chow and Cha-poo. It seems that the natives also are sensible of their prerogative in inhabiting this romantic spot. They have tried to improve upon nature, and have embellished the scenery with canals, neat roads, plantations, and conspicuous buildings. We found no where so much openness and kindness as among them. Their intelligent inquiries respecting our country were endless, and they never seemed satiated with our company.’—p. 429.

These are all of them the people who the East India Directors assured us, had so deadly a hatred to a foreigner, that nothing short of the Company could approach them. Truly the veracity of the higher orders in this country, is past calculation. Like the Chinese we may say, ‘*Our mandarins are rogues,*’ in all directions.

And now for the European commerce. This, as every one knows, is, by the imperial laws, confined to the port of Canton; although during the last ten years a good number of vessels have proceeded to the northern ports and there disposed of opium, commonly receiving bullion in exchange. Canton is at present the largest port of trade in the East, not excepting Calcutta. The total European and American tonnage employed in it, is not under eighty thousand tons; and the value of the joint exports and imports may be taken, without exaggeration, at twelve millions sterling, which added to the two millions of native trade, will make the whole foreign trade of the empire about fourteen millions a-year. The value of one article of import alone, opium, is at present about three and-a-half millions sterling, and during the last seventeen years has been multiplied five-fold. The value of metals and woollens in this trade may be taken, in round numbers, at a million. The exports of tea amount in quantity to about fifty millions of pounds weight, and in value to about two millions and a half sterling. The value of the raw and wrought silks may be taken at a round million,

and the average of the gold and silver bullion exported of late years has considerably exceeded that amount. The whole trade, oppressed as it has been in one of its most essential departments by monopoly, has within the last fifteen years increased in value by about one-third, and in the quantity of merchandise in a far greater proportion. It will be seen at once by this statement, that the trade of China, although nominally considerable in value, is, in comparison to the industrious millions with whom it is conducted, but a pittance after all, and that European intercourse with this great country is still in its infancy.

It appears quite certain that the Chinese, a money-making and money-loving people, are as much addicted to trade, and as anxious as any nation on earth to court a commercial intercourse with strangers. The government and its officers are perhaps not less anxious for foreign commerce than the people themselves, could they see their way to admit it without danger. Their political apprehensions,—and it must be admitted that they entertain them on no slender grounds,—alone prevent them from throwing their ports open to foreign commerce. The restraints under which the Chinese government places foreign trade, have their origin in causes purely political. ‘Smuggling,’ says an imperial edict of 1817, ‘is a trifling affair; but having a communication with foreigners, is a thing which involves vast interests. It is indispensably necessary to strain every nerve to eradicate the first risings of baseness or mischief.’ Here the secret is out; it is ‘*destructive principles*.’ Of the partiality of the Chinese people for trade, and the kindness with which the common people are disposed to receive strangers, Mr. Gutzlaff gives many examples. The two following extracts, describing his residence at Teen-tsin, the port of the capital, are fair examples.—

‘Several persons of rank and influence paid me frequent visits, and held long-conversations with me. They were polite and even servile in their manners. Their inquiries, most of them trivial, were principally directed to Siam; and their remarks concerning Europe were exceedingly childish. The concourse of people became so great, at length, that I was obliged to hide myself. A gentleman, who lived opposite to the house, where I resided, wishing to purchase me from the captain, with a view to attract customers by my presence, offered to pay for me the sum of 2000 taels of silver (about 2700 dollars).’—p. 132.

On quitting the place, the kindness with which his friends took leave of him is thus described.—

‘As we had arrived here so late in the season, just at the time when many of the junks were about leaving, it was necessary to shorten our

stay, lest the Pei-ho, freezing up, should detain us over the winter. On the 17th of October we began to move slowly down the river. Before leaving Teen-tsin I received numerous presents, which were accompanied with many wishes for my welfare. A great many persons came to take an affectionate leave of me at our departure. At the earnest request of some individuals, I was constrained to promise that, if God should permit, I would return the next year; and, in the case of such a visit, some of them engaged to accompany me to the capital—while others wanted to make with me a journey overland from Teen-tsin to Hea-mün (Amoy). I can scarcely speak in too high terms of the kindness I enjoyed during the whole time I was at this place; and the reason for such unexpected treatment I must ascribe to the merciful interposition of the Almighty, under whose banner I entered on this undertaking. The favour and kindness experienced in Teen-tsin were a rich compensation for my former bereavements and trials.—p. 142.

The Chinese are expert smugglers, and extremely dexterous in evading the government duties. After the arrival of the junk in which Mr. Gutzlaff went to Teen-tsin, he thus describes the mercantile transactions which ensued.—

‘In the mean time our men went on with their trade. Under the superintendence of some officers who had farmed the duties, they began to unload, and to transport the goods to the storehouses. Many a trick was played in order to avoid the payment of duties, although they were very light. Indeed, the sailors’ merchandise was almost entirely exempt from all charges. As soon as the goods were removed to the warehouses, the resident merchants made their purchases, and paid immediately for their goods in sycee silver. These transactions were managed in the most quiet and honest manner, and to the benefit of both parties. On the sugar and tin very little profit was gained, but more than one hundred per cent was made on the sapan-wood and pepper, the principal articles of our cargo. European calicoes yielded a profit of only fifty per cent; other commodities, imported by Canton men, sold very high. On account of the severe prohibitions, there was a stagnation in the opium trade. One individual, a Canton merchant, had been seized by government; and large quantities of the drug, imported from Canton, could find no purchasers.’—p. 134.

Through the activity and enterprise of our merchants, it seems tolerably certain that a very considerable contraband trade is likely to be carried on with the northern parts of China, in spite of every effort of the Chinese government to prevent it. This will be such a trade as once existed between our West-India Islands and the Spanish main; and, indeed, such a trade as already exists (chiefly, but not exclusively, in the article of opium) at the island of Lintin. This will increase with time, and the Chinese government will eventually tolerate what it cannot

hinder. If any outcry should be raised against this on the score of conscience, it will be speedily put down by the conviction which is gaining ground universally, that smuggling everywhere is not a vice but a virtue, a creditable effort of the common sense of man, against the folly and dishonesty of governments. Already, indeed, ships have been actually built in this country for the express purpose of carrying on this particular branch of Chinese commerce. A revolution in China, a thing not improbable considering the tottering state of the present dynasty, would inevitably throw all the ports of China open to foreign intercourse. In such an event, it is not difficult to anticipate the nature of the trade which Europeans would be enabled to carry on. They would conduct nearly the whole foreign trade; and, considering the badness of the Chinese shipping and the unskilfulness of Chinese mariners, it is most probable that a large portion of the domestic or coasting trade would fall into their hands; there being little prospect under such circumstances, of a continuity of folly sufficient to put in execution the absurdity of a Navigation Act. They would not only furnish China with the manufactures of Europe, and the rare produce and luxuries of India and its islands, but also with many of the necessities of life. Every part of China stands more or less in need of corn and timber, which the countries in its neighbourhood produce in abundance. These cannot be furnished in any quantity, or in sufficient cheapness, through the clumsy and consequently expensive navigation of the Chinese, but might easily be so under the expert and skilful management of Europeans. The northern provinces stand in need of, and have, an effectual demand for many articles of colonial produce, now furnished scantily through the junks, either from the southern provinces or neighbouring countries, such as sugar, pepper, and similar commodities. A cheaper and more abundant supply would of course be furnished by the enterprise and commerce of Europeans.

It is marvellous how in all countries, to put down the trumpery government of the few, and establish the operation of the interests of the many, is the one thing needful to raising man in the scale of being, and giving him his portion of the good which nature intended for his use.

ART. XVI.—*First Report on the Commercial Relations between France and Great Britain, addressed to the Right Honourable the Lords of the Committee of Privy Council for Trade and Plantations, by George Villiers and John Bowring, with a Supplementary Report, by John Bowring.*—Presented to both Houses of Parliament by Command of His Majesty.—London; Printed by W. Clowes. fol. pp. 251. 1834.

THERE is something so novel in seeing the negotiations between two leading European nations taking the course of right reason, humanity, and common interest, that the present Report may claim an elevated place among the noiseless events which enable man to bear up against the evil of those which history and folly delight to honour with their notice. Extraordinary testimony has also been borne to its importance, by the bitter scorn and earnest hate with which those employed in its construction were during its progress treated by the enemy of man. That two whole Commissioners should be employed abroad on a mission of peace and good-will, involving no interests but those of the industrious classes of two great nations, was an offence only to be surpassed by the idea of an army which should be employed abroad and not for absolutism, or a fleet which should establish the freedom of an injured people, instead of dangling, as was the olden fashion, at the heels of some despot in danger of being kicked out by an indignant nation. Had the expense of the Commission been incurred in conveying a baby frigate to furnish the toy-shop of some continental sovereign, or to transport some injurious foreigner to be the bearer of the expiring hopes and wishes of the English oligarchy to the whiskered enemies of freedom abroad, the thing would have been hailed with reverence due, and even the standing types which announce the unbroken existence of, sound bills of health at Windsor, might have been displaced to make room for the announcement. But the event is at once a symptom and a cause. In spite of custom, a modicum of John Bull's money has been expended in his service; and the precedent of its happening once, will be a dangerous step towards repetition of the like.

The Commissioners, men not altogether unknown to fame,—one of them a rising young Patrician, who has the genius to see what may be accomplished in conjunction with the people, and to be among the first to strike out for the grand chances of diplomacy in their coming service,—the other a well-entered servant of the popular cause, possessed of the personal confidence of its supporters in all quarters of the globe

to a greater extent than any other man in Europe,—proceed as follows, to state the origin and object of their Commission.—

‘The Commercial Legislation of France has been founded, for the most part, on the desire to make that country independent of every other, and to force within itself the production of the principle articles of consumption, in spite of natural difficulties, and without any reference to their cost. That legislation received its greatest encouragement under the Imperial régime, when France was excluded from many of the markets of the world, and when, in order to possess without interruption those objects of luxury which long usage had made necessities, it appeared absolutely needful they should be created by her own industry, or grown on her own soil. And though the cost of so producing was ruinous to the consumer, and, in the long run, scarcely less so to the producer, yet the Government and the people lulled each other with the fallacy “that the cost mattered not, as the money was spent in the nation, and the wealth of France was not expended on Foreigners.” The fact, however, cannot be denied, that many of the efforts made by France to produce the commodities she had been accustomed to import, were forced upon her by the isolation into which she was thrown by the naval superiority of Great Britain. But these efforts, however well suited to the peculiar exigencies of the time, and however creditable to the ingenuity of those who exerted them, necessarily flung the capital of France into false and unfavourable positions. When the return of the Bourbons opened to France the commerce of the world, so many interests had been created, so much labour and wealth were engaged in the production of articles which might have been more economically imported, that it was found difficult suddenly to change that legislation which gave to the French producers the benefit of a monopoly, without which they would have fallen; and their fall would inevitably have brought with it much suffering and distress. A part of the arguments on which the prohibitory system was reared, namely,—that drawn from the rivalry of hostile nations,—naturally lost much of its force when France entered upon an era of tranquillity and peace. Mutual intercourse softened mutual jealousy: popular antipathies became gradually lessened by more intimate relations; and, as the severe regulations which a state of warfare introduces, become modified in a period of peace and friendly feeling, it was obvious that important commercial changes were at hand.’

‘It is true, that many attempts had been made by the Government of England to induce that of France to consent to a revision of their commercial policy, and that these had met with little success. Formal negotiations carried on by the higher authorities of the two Governments, presented formidable difficulties; for such negotiations could scarcely be directed to the minor objects, through which alone, perhaps, those of a higher importance could be ultimately reached. The state of things produced by interference with the natural course of commerce becomes so complicated and artificial, as to render any sudden or extended alteration only less dangerous than persistence in an erroneous course; for, however desirable and imperative it may be to get rid of a vicious

system of commercial legislation, yet the interests it has created and fostered become susceptible to alarm in the very ratio of their insecurity, and of the demand they make upon society. In England, it cannot be denied, that opinion had given to the Government a power of calling sound principles into action, which the Government of France did not possess. The perfection of many of our manufactures had been long considered on the continent as pervading them all. They were represented almost universally as destined to crush all rivals by their irresistible superiority; and the manufacturing interest of France, appealing habitually to the self-esteem and apprehensions of the nation, had acquired a concentrated power, which the commercial and agricultural interests, even though supported by a considerable amount of intelligence among the people, and the favourable dispositions of some members of the Government, were unable to resist.

‘In the year 1830, one of your Lordships’ Commissioners, being then employed by the British Government in the investigation of Financial matters, had frequent occasions of communicating with the official authorities of France, and of ascertaining the feelings that existed on the subject of the Commercial Regulations between that country and England: he found, that though the Government was unwilling to contemplate changes which should be at once extensive and immediate, yet there was a sincere and growing disposition to revise the Tariffs of the two countries, with a view to improve the intercourse between them, by the removal of those restrictions, impediments, and prohibitions, which had hitherto narrowed the sphere of their mutual relations. In order to accomplish this object, Baron Louis, the French Minister of Finance, proposed that a mixed Commission should be nominated by the two Governments, to hold its sittings either in Paris or London, or in both; that they should suggest, for the consideration of each Government, such changes as were likely to be beneficial and practicable, and gather together such facts as might illustrate the past or present state of the commercial relations of the two countries, or be useful with a view to their future extension. He stated, that he should deem every step towards a more liberal intercourse, however seemingly unimportant, as something gained; and that it was his earnest desire to give the inquiry every possible impulse towards a system of freedom. We feel it due to Baron Louis, who took so marked a part in the establishment of our Commission, to state, that he has always exhibited the most intelligent and unwearied zeal for the advancing of its important objects.’

‘The first written communication on the part of Baron Louis was the following:—

Paris, le 28 Juillet, 1831.

‘Ministère des * ‘MONSIEUR,’

Finances. Ca-
binet du Minis-
tre.

‘J’ai lu avec un vif intérêt la Lettre que vous avez bien voulu m’écrire, et je vous remercie beaucoup de l’envoi que vous y avez joint.

Paris, July 28, 1831.

Ministry of
Finance. Ca-
binet of the
Minister.

* ‘SIR,

‘I have read with lively interest the letter which you have had the goodness to write to me, and thank you much for the transmission which

‘ Les opinions que professe votre Gouvernement en matière de commerce sont aussi les miennes, et je vous répéterai volontiers par écrit ce que je vous ai dit de vive voix. Si, comme la raison l’enseigne, l’affranchissement du commerce est dans les intérêts de tous les peuples, la France et l’Angleterre, les deux nations les plus riches du monde, ne peuvent que gagner toutes deux à étendre des relations d’échange qu’une politique étroite a soumises à trop de restrictions. Un régime de douanes plus libéral augmenterait la richesse des deux états, et donnerait au maintien de la paix de nouvelles garanties. C’est donc avec une véritable satisfaction que je verrais se former une Commission mixte, qui préparerait le travail, et indiquerait les modifications que la législation des deux pays est susceptible de recevoir dans le sens du libre commerce.’

‘ Pour ma part, je tiendrais à honneur de contribuer en quelque chose à une réforme de si haute importance pour les progrès de la civilisation. Mais vous devez sentir, Monsieur, que c’est à votre Gouvernement à prendre l’initiative pour un semblable projet: il a déjà entrepris la réforme commerciale: il rencontre moins d’obstacles, et n’a pas à lutter contre des préjugés aussi puissans. Qu’il exprime son vœu: il trouvera, du côté du Gouvernement Français, concours et sympathie.’

‘ LOUIS.’

‘ A Monsieur

‘ Monsieur le Docteur Bowring.’

And it was repeated in another Letter, dated the 16th August:—

† ‘ Vous avez dû recevoir par l’entremise de M. Hamilton, Secrétaire de l’Ambassade britannique, la Lettre que j’ai eu l’honneur de vous

accompanied it. The opinions avowed by your Government on the subject of commerce are my own, and I shall readily repeat to you in writing what I have already said by word of mouth. If, as reason points out, the liberation of commerce is for the interest of all nations generally, France and England, the two richest in the world, cannot fail to gain on both sides by enlarging a system of exchange which a narrow policy has hitherto subjected to too many restrictions. A more liberal arrangement of the Custom Duties would increase the riches of both countries, and give new securities for the continuance of peace. It would therefore be with real satisfaction that I should see the formation of a Mixed Commission, which should prepare the work, and point out the alterations which might be made in the existing laws of the two countries in favour of free trade.’

‘ For my own part I should account it an honour to contribute in any way to a reform of such high importance to the progress of civilization. But you will be aware, Sir, that it is your Government that must take the initiative in any similar project. It has already entered on commercial reform; it is met by fewer obstacles, and has not to struggle against prejudices so powerful as we. It has only to express its wishes, and it will find on the part of the French Government a community of operation and of interest.’

‘ LOUIS.’

To Dr. Bowring.

† ‘ You will have received through Mr. Hamilton, Secretary to the British Embassy, the letter which I had the honour to write to you on the

‘ écrire le 28 Juillet dernier, en réponse à la vôtre du même mois. Je n’en saisis pas moins avec satisfaction cette nouvelle occasion de vous confirmer tout le prix que j’attache au succès des mesures qui pourraient être adoptées de concert entre nos deux Gouvernemens pour étendre leurs relations commerciales en les dégageant des entraves que le régime des douanes apporte encore à leurs développemens.’

‘ LOUIS.’

‘ The presence of the Vice President of the Board of Trade in Paris, in the autumn of 1831, and the efforts which he made to give effect to the amicable dispositions of the French Government, removed many obstacles to the appointment of the French Commissioners, and great difficulties of detail, and enabled him to lend important assistance to the initiatory proceedings of the Commission.

‘ The Commissioners nominated by the French Government were

The Baron Freville*, Counsellor of State, and

The Count Tanneguy Duchâtel†, ditto;

and to their intelligence, zeal, and aptitude, no tribute of ours can be sufficiently ample.

‘ The instructions we received from Mr. Poulett Thomson for our guidance were as follows:—

‘ *Paris, 29 November, 1831.*

‘ GENTLEMEN.

‘ The Government having complied with the suggestion, that they should appoint a Commission in order to discuss conjointly with the French Government the commercial relations between Great Britain and France, and having named you to fill the office of Commissioners for that purpose, I think it right, before I leave you to pursue your labours, to put you in possession of the character which I understand this Commission bears, and to draw your attention to the objects to which it seems to me it is desirable that it should be particularly directed.’

‘ As Mr. Bowring has been so long upon the spot, and has been necessarily aware of the circumstances which have led to the adoption of the plan of a Commission, it will not be necessary for me to dwell at any length upon them. I have only to remark, that as it appeared that, in spite of the sincere wish which is certainly entertained by all the members of the French Cabinet to facilitate the commercial relations between the two countries, so many obstacles are to be found in the prejudices of interested or ignorant individuals to proceeding directly

28th of July last, in reply to yours of the same month. I cannot, however, allow myself to let pass the renewed opportunity of impressing on you all the importance which I attach to the measures which may be adopted in concert by our two Governments, to extend their commercial relations with each other by liberating them from the shackles which the present arrangement of the Custom Duties continues to throw about their progress.’

‘ LOUIS.’

* ‘ Since made a Peer of France.’

† ‘ Since a Member of the Chamber of Deputies.’

‘by diplomatic negotiations, or by direct proposals on the part of the French Government to the Chambers, that it was deemed advisable to abandon both these modes, and to adopt, in the first instance, as a preliminary to either, an inquiry into the whole of the present system, especially that of France.’

‘With this view it was proposed to establish the present Commission, to be composed of individuals of each nation, not with the character of representatives of the commercial interests of their respective countries, to contend for peculiar points, or negotiate for separate advantages, but with one common and uniform object in view, namely,—to ascertain as clearly and exactly as possible, from the documents and information which either Government can command, what is the present state of the trade of the two countries; to examine how it is affected by the Tariffs; how far their provisions are rendered inoperative by the smuggler; and how, with regard to the existing interests, and the obstacles which they must naturally create to the introduction of a better system, a change in favour of a freer communication can be effected.’

‘Prohibition and excessive protection, whether on one side of the Channel or the other, should be considered by the Commissioners of either nation as a common object of attack; but, at the same time, the difficulties in the way of their immediate removal, and the interests which would be compromised by a sudden change, whether in one country or the other, should be fairly considered and reported on by all, to enable the Governments hereafter to decide how far it may be practicable to surmount them.’

‘It is obvious, however, that in consequence of the numerous changes that have already been made in the English system, comparatively little remains to be done on our part, while, on the contrary, as the French still retain their prohibitions and protective regulations to the fullest extent, it is in their Tariff that the most important alterations are to be sought for. Of this they are well aware, and it will be to the consideration of this object that your attention will be most particularly directed. The principle which you will find them at once willing to admit,—namely, that prohibition shall wholly cease, and be replaced by duties graduated according to the cost of risk of smuggling,—will naturally open a wide field for your inquiries. That part of the Tariff which contains so many and such various restrictions and prohibitions, must of course be thoroughly sifted, and the nature of the articles introduced by the contraband trade, the extent and the expense of their introduction in this manner, should be ascertained as correctly as possible. In the same manner many of their duties, owing to their exorbitant scale, will be found to produce the effect of absolute prohibitions, and should be scrutinized with the same view.’

‘Without wishing, therefore, to direct the specific mode of your proceedings, I would suggest that the fittest course to pursue, will be to take the French Tariff, and after analyzing it in such a manner as may appear most convenient,—for instance, into articles prohibited, but which are the objects of illicit introduction, articles charged with duties

‘so high as to afford encouragement to their fraudulent importation, and so forth,—to proceed to examine the whole, article by article, and to record, as you go on, your observations upon each.’

‘In doing this, it will be necessary that you give due weight to the peculiar circumstances in which the commerce and manufactures of France are at this moment placed. There are several articles of vast importance, such as iron, cotton manufactures, and others, which are the subjects of a ruinous system of legislation; but though it is obvious that a reduction of duty on them would be as important to England as advantageous to the general interests of France, yet the opposition to such an amelioration would be so powerful; that you would probably find it vain to contend against it at the present moment, and it may be only by degrees that it will be possible to introduce material alterations in this particular. It would be better, therefore, that your efforts should be primarily directed to the duties on articles apparently of less importance, but which, compromising smaller interests, are likely to be more easily modified. Of this description you will find a great number; although apparently insignificant under a restrictive system, it is found by experience that they grow greatly in importance when the restrictions are removed. By examining with attention this class of duties, you will probably succeed in producing what will ultimately prove a means of very important and extended intercourse between the two countries, and you will pave the way for concession in those objects which at present are more likely to meet with obstacles on the part of the French. It is with this view that I would recommend you to consider no article of commerce as of too little importance to deserve your attention, or to be worthy of remark.’

‘The consideration of the Tariff will naturally lead you to that of the system of navigation law which is established by treaty between the two countries; and it appears to me, that your labours may be well directed to an examination of the effect of these regulations, which prohibit in both the admission from the other of extra-European produce. All the facts connected with these provisions of the law, which has now been in operation for six years, it will be desirable to examine, with the view of ascertaining how far the interests of the two countries may demand a modification, or an alteration for the future.’

‘In the course of your inquiries you will probably discover many topics, connected with the main object of the Commission, well worthy of being pursued, but which of course it is impossible for me to advert to, or to anticipate. Understanding, however, that the object of your Commission is to ascertain how the commercial relations of the two countries may be generally extended and improved, you will consider yourselves authorized to inquire into whatever you think will tend to this result, and to examine and report on whatever topic connected with it you may deem worthy of development.’

‘It is desirable that you should put the Government in possession of the character which your proceedings assume, and of the progress, as

‘ well as the record of the conferences which you will of course establish. As your Commission is not of a diplomatic character, and can best communicate with home in a semi-official manner, I should request you will be good enough to address those communications to the Board of Trade for the present, as well as any observations or demand for documents you deem it advisable to make ; and I shall take care that you shall be furnished with any information or instructions which may be required by the circumstances of the case, and may facilitate the objects of your Mission. If, however, official communications become necessary in the course of your labour, they will naturally be made through the Ambassador, with whom you will be in constant communication.’

‘ I have the honour to be,
Gentlemen,

‘ To Messrs George Villiers and
John Bowring, Paris.’

‘ Your obedient humble servant,
C. POULETT THOMSON.’

‘ The appointment of this Commission was in itself a valuable point gained, and an evidence of sincerity of purpose ; but we were well aware that the interests which had been created in France by her commercial system, and the prejudices which these interests had engendered, presented a formidable barrier against any rapid or extensive change. To alter the whole legislation of a country on matters which involve great pecuniary considerations was no task to be lightly undertaken, or easily accomplished. All that we could hope for the present was, that some modifications might be introduced into the French Tariff, and some principles recognised, whose future developement, when experience had shown their value, might be reasonably anticipated. We could not but feel, and the fact has been again and again presented to us, that England had been long engaged in the career of restriction and prohibition, and that she had in truth furnished example and encouragement to other nations to adopt a system, which, happily for her own interest, she has since had the wisdom to abandon, or considerably to modify, yet that she still retained numerous laws which protected and interfered with free commercial communication. But though hopeless of any extensive or immediate change, we considered that the opportunity was most valuable for gathering together authentic and official facts, and of tracing from sources whose authority could not be disputed, the progress of manufacturing and commercial decline or prosperity ; nor has our conviction of the usefulness of our investigations been in any way diminished as we have proceeded in a task which has been materially forwarded by the friendly zeal of our colleagues, and the most unreserved communications on the part of the French authorities.’—*Report*. p. 1.

The causes of many of the difficulties which free trade has to encounter in France, may be traced in the following paragraph.—

‘ In France, a very large proportion of those who are interested in the continuance of the existing commercial system, are elevated public functionaries, or are placed in immediate contact with them.’ It would

have been idle, therefore, to have attacked great monopolies in their strongest holds. Nor can it be denied, that some of the protected manufactures are of such magnitude as to demand attention and respect. In many of them considerable numbers of workmen are engaged; and, though their employment in protected fabrics leads to the exclusion of a far more considerable number of labourers in those branches of industry whose cultivation would be the natural, instead of the forced growth of capital, yet all serious shiftings or transfer of labour, cannot but involve questions of difficulty and deep concern. In the mean time, the labouring classes, impatient of the suffering which is of necessity consequent upon the changes which every alteration of the Tariff brings with it, naturally ally themselves with their manufacturing masters, who demand the exclusion of the foreign articles which are in competition with their own. Even among these classes, however, the extension of the principles of more liberal intercourse, has produced a decided change, and so strong has been the English interest created, even among the French manufacturers, that the weavers of Lyons have lately petitioned the French Government to give all possible development to the commercial relations between England and France.—p. 8.

The ‘General Statement of Prohibited Goods from Foreign Countries,’ (p. 39) with the reasons appended, forms a curious object. Some of the most remarkable items will be found stated in the last of the paragraphs that follow.—

‘It is hardly necessary to remark, that if these reasons for prohibition were pushed to their necessary consequences, all commercial relations would infallibly cease. If the cheapness of a foreign article were a sufficient ground for prohibiting its importation, and the cheapness of a home article for prohibiting its exportation, no exchange at all could take place.’

‘Many of the arguments which are put forward in justification of prohibitory measures are mutually destructive of each other. To keep the price of corn low in the interest of the consumer, is assigned as the reason for prohibiting exportation; and to raise the price high in the interest of the producer, as the reason for prohibiting importation: the two objects are incompatible. Again, one set of prohibitions are justified because the articles are dear in France; such are the exportations of silk, rags, bark, &c. Reasonings wholly opposed to one another are, in turn, employed. There is scarcely an argument or a calculation, which if recognised as applying to some articles, is not opposed altogether to the legislation on others.’

‘It requires merely to state some of the objections to importations, in order to show their narrow and anti-commercial spirit. The introduction of manufactured tin, for example, is opposed because it might benefit England, which is rich in tin mines; as if the importation into France could take place without equally benefiting her. The reasons, too, which are grounded on the superiority of other countries; as, for example, “dangerous rivalry,” in the case of manufactured steel; “cheapness” of foreign article, in the case of shipping; threatened “an-

nihilation of the French manufacture" in that of cutlery ; "extra advantages of the English" in plated ware ; "apprehension of the English" in articles of pottery ; "imprudence of admitting English sadlery, as so many persons, regardless of price, prefer it ;" "advantages of machinery" in works of iron ;—all are modes of announcing the superiority of the foreign articles, and the power which foreigners possess of supplying them on cheaper terms than they can be produced at home.'—p. 45.

But, the monopolist will say, if you benefit the consumer, you injure me the monopolist. To which the answer is, that there is another person still left out, which is the French trader with whom the difference of price, saved to the consumer by the destruction of the monopolist, would have been laid out. Or put all the effects on French trade and commerce together, and the aggregate is the same with the monopoly or without ; only there is this difference, that in one case the consumer gets nothing for the difference of price, and in the other he does. When will the consumers all the world over, cease to be the dupes of knavish tradesmen and more knavish legislators ?

The French government is just now in a state of distress by reason of '*chiens fraudeurs*,' dogs taught to smuggle, who are stated to be carrying their operations to an extent *vraiment effrayante*, and the legislators of the *grande nation* are combining their talents for the suppression of these dogs. To such ridiculous occupations does ignorance bring the leaders of a people. As if a smuggling dog was not the best of four-legged citizens, making a saving to the public at every journey, of the difference of price in the foreign article introduced, *minus* his own diet and expenses. If the bones that are in all cathedrals in all countries were looked through, how few would have a claim on their country's gratitude to match those of a smuggling dog.

The immediate result of the efforts of the Commissioners has been the abandonment of the principle of absolute prohibition, and the substitution of duties ; a step, of which the value as a movement, and as giving rise to a vast quantity of popular agitation and reflection, is independent of the positive magnitude of the opening made.

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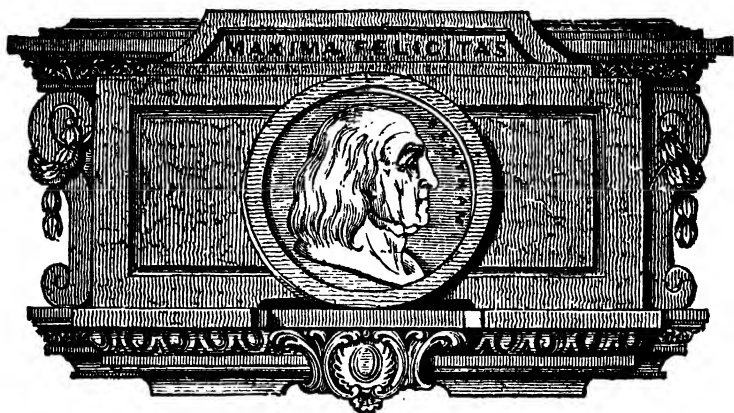
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ART. I.—1. *A Short History of Paper-Money and Banking in the United States.* By William M. Gouge.—Philadelphia. 1833.

2. *Report of the Union Committee.*—New York. 1834.

THE facts connected with the late financial difficulties in the United States have come to this country distorted and exaggerated by party zeal. This is the inevitable consequence of every commercial or banking operation of importance being made to bear on the grand question of the Presidential election ; which, in one shape or another, is in a course of perpetual agitation throughout the land of the West. It is vain to expect any impartial or satisfactory account of the struggle between the Bank and the President, the circumstances which led to it, or the motives and designs of the belligerent parties, from those who must in many respects be the best qualified to

furnish it. Yet it is of importance, not only to the United States but to all the countries commercially connected with them, to clear much that has been designedly obscured, and state fairly the circumstances, which it is the aim of partisans in America to misrepresent.

The works at the head of this article furnish many important facts which it will not be difficult to separate from the party colouring in which they are served up. Mr. Gouge, the author of the 'Short History,' is a determined enemy to paper-money, under whatever limitations it may be issued. From the abuse he argues manfully against the use; and appears to think, that because his country has suffered grievously from the consequences of the wildest banking speculations upon record, it is quite impossible so to limit and manage a paper currency, that it shall not sooner or later become the source of unmingled evil. His book is a storehouse of materials on the question; facts, quotations from state-papers, official returns, invectives, speeches, and fragments of historical works, in most admired disorder.

The 'Report of the Union Committee,' is a production of a different character. It was considered desirable to effect a union of the Board of Trade and Chamber of Commerce in New York; and a number of bankers and merchants, with Mr. Gallatin at their head, were appointed at a public meeting in the spring for that purpose. Hence the Committee is called the Union Committee; but its members seem to have contented themselves with appointing a Sub-Committee to draw up a plan of union, and directed their principal attention to the more interesting questions of a National Bank, and the removal of the public deposits from the present Bank called 'of the United States,' on which they produced a Report after rather more than a month's consideration. The language of the document is moderate; but the bias of its authors against the President, and in favour of the Bank, is manifest. It contains some important suggestions and admissions of fact, which militate against the view of the question it is intended to support.

Assuming these two publications as the ground-work, though many other authorities and documents have been consulted, it is proposed to give a sketch of the history of banking and paper-money in the United States from the earliest period to the close of the last session of Congress. Some observations on the existing state of things, and the probable effects of General Jackson's plans in regard to the currency-as far as they have been developed, will be added.

The dealings of the first British settlers in Virginia were for the most part carried on in barter; the small stock of the pre-

cious metals which they brought from Europe being soon exchanged for foreign comforts or conveniences. Tobacco was the circulating medium of the Colonists; and as early as 1618, a sagacious governor decreed, that it should be taken in all trading transactions at 3s. per lb., neither more nor less, on the penalty of three years servitude in the Colony. A few years afterwards, certain Spanish and Canary wines were ordered to be sold at 6s. a gallon in specie, or 9s. in tobacco; while Sherry and Sack were rated at 4s. in specie, and only 4s. 6d. in tobacco. Why tobacco should be valued so differently in different transactions, does not appear. Fine women, 'young and uncorrupt,' were shipped by the Virginia Company in England, to the Colony, to be married to the residents; and in 1620 the price of each was a hundred lbs. of tobacco, though when the article was scarce, as much as a hundred and fifty lbs. was paid. It was made a law of the colony that whenever a settler obtained a wife on credit, the debt should be recoverable in preference to all others. An attempt was made in Pennsylvania in 1700, to procure a law to render the products of the Colony legal tender at their current rates; but it failed. In Maryland an Act was passed in 1732, making tobacco a legal tender at a penny a lb., and Indian corn at twenty-pence a bushel. But in Massachusetts, as early as 1652, a mint was established at which shillings, sixpences, and threepenny pieces in silver were coined. About this period silver became plentiful in several of the Colonies, whose inhabitants carried on a successful trade with the West Indies and the Spanish main. But still it was thought a sagacious expedient, to increase their wealth by raising the nominal value of the coin. Thus in South Carolina the dollar was ordered to pass for 4s. 8d.; in Virginia and New England at 6s.; in Pennsylvania, Maryland, and New Jersey, at 7s. 6d.; and in New York and North Carolina at 8s. These various denominations are still preserved, notwithstanding many good republicans regard them as badges of colonial servitude, and the decimal currency of dollars and cents, introduced it is said at the suggestion of Oliver Wolcott late Governor of Connecticut, is in almost every respect so much more convenient. It thus appears that the currency of the American Colonies from the earliest periods, even when it consisted principally of corn and tobacco, was tampered with by the ruling powers.

The first paper money issued in the colonies was in 1690, by Massachusetts. The government was pressed for means to pay some clamorous soldiers, and having no specie, persuaded them to take Treasury Notes secured on the lands of the colony,

in the place of it. The quantity of paper being at first moderate, it held its value tolerably well; but the temptation of making money with so much ease was irresistible, and was so frequently yielded to, that by degrees the currency was depreciated, till in 1749 it was at a discount of 1100 per cent. In South Carolina the same plan was pursued, but the government paper of that colony never went below the comparatively moderate depreciation of 700 per cent. The Carolinean paper was issued by a public bank established in 1712, and lent out on landed and personal security.

Pennsylvania authorized the creation of paper-money in 1723. It was only lent on landed security or deposits of plate or bullion, at an interest of five per cent. This paper was made a legal tender; and penalties were laid on those who sold or purchased any article on cheaper terms for gold or silver, than for the paper currency. This system was approved of by Dr. Franklin; who, clear-headed and sagacious as he was, thought an act of the legislature could alter the real value of things, and did not perceive the inutility of a law to compel men by pains and penalties to give more for an article than it was worth. Even Adam Smith was misinformed in regard to the Pennsylvanian currency. He says, (vol. iii. p. 358 of Macculloch's edition) 'The government of Pennsylvania, without amassing any treasure, invented a method of lending, not money indeed, but what is equivalent to money, to its subjects.' But an official document quoted in Proud's History of Pennsylvania, shows that gold, which in 1720 was at 5*l.* 10*s.* an ounce, eighteen years afterwards had risen to 6*l.* 9*s.* 3*d.* an ounce; and silver during the same period rose from 6*s.* 10½*d.* to 8*s.* 9*d.* an ounce, in the currency of the colony; therefore the government of Pennsylvania *did not* lend what was equivalent to money.

Massachusetts, which was the first colony to issue paper money, was also the first to get rid of it. Mr. Hutchinson, whose history of Massachusetts is a work that would do credit to any country, was Speaker of the House of Representatives in that province in 1749, soon after Cape Breton had been taken, in great measure by the spirit and activity of the Government of Massachusetts. In this service about 180,000*l.* sterling had been spent, and he prevailed upon the colonists to request, that this money might be shipped in Spanish milled dollars, in order to take the place of the wretched paper-money then in circulation, and which, though nominally upwards of two millions, was not worth one-tenth of that amount. The government at home had the discretion to comply with this proposal; and thus the

colony was supplied with a good silver currency. The other New England provinces refused to take measures to effect a similar alteration; and the consequence was that a great part of their West India trade immediately passed into the hands of the Massachusetts merchants. In 1763 the British Parliament passed a law to prevent paper bills of credit, issued by the colonial governments, from being declared legal-tender; but the time was approaching when the colonies felt little disposed to brook the interference of the mother country in their internal affairs; and this Act must have been in great measure inoperative, for ten years afterwards another Act with the same title and for the same purpose was passed in England. It would seem that this was enforced with more effect than the first; for at the breaking out of the Revolution, the whole paper money of the thirteen States was estimated at only twelve millions of dollars*.

The absolute necessity of finding the ways and means of carrying on the war of the Revolution, compelled Congress to deluge the country with the famous continental money. It was first put into circulation, according to a statement published by Mr. Webster (a merchant of Philadelphia, and uncle of Mr. Noah Webster the author of the Dictionary), in August 1775. In the course of five years it reached the enormous nominal amount of three hundred and sixty millions of dollars. The value was tolerably well sustained till the issues exceeded nine millions; then the depreciation became very rapid. It ceased to circulate as money in 1781, when it was at a depreciation of 500 per cent. Afterwards it was bought up on speculation, at depreciations of from 400 to 1000 per cent. Mr. Webster states, that the depreciation of the continental money never stopped the circulation of it; it passed currently long after all hope of its being redeemed at its nominal value had vanished. Very little of it now remains; a few years ago, Judge Mitchell of Wethersfield in Connecticut, had some notes which he exhibited as curiosities; they were small and wretchedly printed on the coarsest paper. Congress in vain endeavoured by passing penal laws to force up the price of continental money. In 1776 it was enacted, that 'whoever should refuse to receive in payment continental bills, should be declared and treated as an enemy of his country, and be precluded from intercourse with its inhabitants.' Legal-tender Acts, limitations of prices, threatening declarations, and other similar measures were resorted to, with-

* The principal authorities for this account of the provincial currency previously to the Revolution, are Holmes's *American Annals*, and Hutchinson's *History of Massachusetts*, as quoted in Mr. Gouge's *Work*,

out in the least raising the value of the paper; and of course many holders of it were ruined, for not a dollar was ever redeemed.

In 1782, when hard money, as it is called, was very plentiful in the United States, being supplied from France and England to pay their troops then stationed in the country, and also by the trade to Cuba,—the Bank of North America was established at Philadelphia, principally through the exertions of the well-known Robert Morris. It superseded another bank called the Pennsylvania Bond Bank, which appears to have never fairly come into operation. A great part of the capital of the Bank of North America, was subscribed for and nominally paid in by the Government; but it was almost immediately drawn out again. The bank however derived considerable credit from the manœuvre, and drove a profitable business for about four years, when great complaints were made of its mode of operation, by the parties to whom it made advances, which could not be conveniently repaid, and the charter was repealed in 1785. The stockholders protested against this arbitrary proceeding, and the bank was re-incorporated in March 1787 for fourteen years, with an enlarged capital of two millions of dollars, and is still in existence. This bank about the year 1790 issued promissory notes for one penny; the lowest sum probably that ever appeared on the face of a bank-note.

About this period the mania for banking raged throughout the country. The constitution of the United States prohibits the separate States from issuing paper money, but permits the incorporation of joint-stock banking companies. In 1791, Congress chartered the old United States Bank with a capital of ten millions of dollars, with a view to preserve something like a uniform currency throughout the different States; but the power to incorporate banking companies was abused to such an extent by the separate State legislatures, that the operations of the Government bank seem to have had little effect. Between the years 1781 and 1812, about a hundred and forty banks (the exact number is not known), with nominal capitals of at least a hundred millions of dollars, were incorporated. Some of these banks issued notes for fractional parts of the dollar; and in South Carolina little square bits of paper with engravings of birds and beasts on them, for the convenience of the negroes, few of whom can read, are still in extensive circulation. The notes of many of the banks, especially those in the southwestern States, were heavily depreciated; and few holders ever dreamed of getting specie for them. Generally speaking, the country was, notwithstanding, extremely prosperous; owing in

great measure to the European wars, and its own peaceful condition. There were some bank failures however; which showed the rottenness of the system. One was that of the Farmers Exchange Bank of Gloucester in Rhode Island, incorporated in 1804, with a capital of only a hundred thousand dollars; which was to be paid in seven instalments and in gold or silver. Scarcely any money, however, was actually paid in; the directors immediately drew out their own deposits, and all the money in the bank at any one time did not amount to twenty thousand dollars. In 1809 the concern stopped payment, when it appeared that the whole amount of specie in the vaults was eighty-six dollars, and that the notes of the bank in circulation were little short of six hundred thousand dollars. Two other banks in Massachusetts, which stopped about the same time, were found to have about thirty dollars in specie between them; but hundreds of thousands of their one dollar notes were in circulation at the time.

The charter of the old United States Bank expired in March 1811. Great efforts were made to procure its renewal, but they all failed. Its concerns were then rapidly wound up, without any serious inconvenience being felt by the public.

Soon afterwards, (in June, 1812), the war with England commenced, and the mania for new banks, especially in the middle and southern States, was more prevalent than ever. The Pennsylvania legislature in the session of 1812-13 passed a bill authorising the incorporation of forty-one banking companies, with capital amounting to seventeen millions of dollars. The Government borrowed largely from the banks to carry on the war, giving certificates of stock as security, first at par, afterwards at 112 and 125 for every 100 dollars. The banks in New England, whose precaution was strengthened by a political hatred of the Government, abstained from joining in these loan transactions, and thus escaped the disasters which caused every bank in the country south of Connecticut to stop payment in 1814. The Government issued Treasury notes bearing interest at five and two-fifths per cent, payable a year after emission, for about seventeen millions; but as they were also receivable in payment of duties, taxes, and public lands, little relief was gained by this measure. In the meanwhile the paper of the best Atlantic city banks which had suspended payment, was soon depreciated twenty per cent, the country notes fifty per cent..

Financial affairs were in this condition when the Secretary of the Treasury proposed to establish a National Bank with a capital of fifty millions of dollars; of which Government was to

subscribe twenty millions, and pay for it in six-per-cent stock ; the remaining thirty millions to be subscribed by individuals, six millions in treasury notes, eighteen millions in six-per-cent stock, and six millions in gold and silver. This wild scheme, the real aim of which was to procure a loan at par, was modified in several important particulars, and bandied about from the Senate to the House of Representatives. It was at length passed, but rejected by President Madison on the ground of its being so altered as to deprive the proposed bank of the power of effectually aiding the Government in its need. Another project was then set on foot by the Government. It was proposed to establish a National Bank with fifty millions of dollars capital, of which five were to be paid in gold and silver, fifteen in six-per-cent stock, twenty in treasury notes, and ten to be subscribed by the Government. It was expressly provided that specie payments should not be commenced for sixteen months after the Bank Charter was granted. This proposal was sanctioned by the Senate and approved by President Madison, but rejected in the House of Representatives by 74 to 73. The news of peace with England arrived on the 13th of February 1815 ; the above vote of the House of Representatives was passed on the 17th : and thus, fortunately for the country, a check was given to this scheme so worthy of needy bankrupts.

The year 1815, the first year of peace, was one of great apparent prosperity in the United States. The banks postponed the period of returning to specie payments, and discounted almost every note that was offered ; the depreciation of course went on rapidly increasing, and the nominal value of property along with it. The nation was intoxicated with prosperity ; and was easily led to believe that gold and silver had risen in value, not that the paper money had fallen. Mr. Vansittart's famous Resolutions in May 1811, declaring the notes of the Bank of England to be equal in value to the legal coin of the realm, were triumphantly quoted against the few discontented and suspicious mortals, who presumed to find some sound truths in Mr. Horner's 'Report of the Bullion Committee.' The tremendous crash among the English country banks, two hundred and forty of which stopped payment in 1814, 1815, and 1816, appears to have staggered the Government. But still it would seem that the great inequalities in the exchange, not the general depreciation, occasioned the uneasiness. The Secretary of the Treasury set about to remedy this evil. He made a 'proposition relating to the national circulating medium,' the object of which was to associate the

principal banks with the view, as he said, of 'furnishing a uniform national currency.' This scheme was found to be impracticable. He tried another, the particulars of which are not given, but the object was to 'curtail the issues of bank notes, to fix the public confidence, and give each bank a legitimate share in the circulation.' Considering that the parties with whom he had to deal (or as he termed it, 'to negotiate as independent sovereignties') were some scores of banks who were making large profits by issuing inconvertible paper at will, it is not surprising that this scheme failed also. At last the Secretary resorted to an issue of Government paper or Treasury notes, and it was ordered that nothing should be received in payment of duties and taxes, but specie, Treasury notes, and the notes of such banks as took Treasury notes at par. The result of this notable plan was, that where Treasury notes were at par, the banks received them, as they would have done in exchange for their own paper without any arrangement; but where they were below par, of course they were not received at par merely to accommodate the Treasury. A large amount of these notes however, were taken by certain banks who gave their own notes in exchange for them; but as these bank notes were only current within a circle of a few miles from the place where they were issued, the Government gained little or nothing by the arrangement, and the inequalities in the internal exchanges remained as great as ever. At length it was determined to establish a National Bank. President Madison in his message to Congress, December 5th 1815, declared it to be essential, 'that the benefits of a uniform national currency should be restored to the community;' and he recommended Congress to provide a substitute for the precious metals. The Secretary of the Treasury in his report of the 7th of December, discussed the question of the best material for a national currency.—

'Even if it were practicable,' he said, 'it has sometimes been questioned whether it would be politic, again to employ gold and silver for the purposes of a national currency. It was long and universally supposed, that to maintain a paper medium without depreciation, the certainty of being able to convert it into coin was indispensable; nor can the experiment which has given rise to the contrary doctrine be deemed complete or conclusive. But, whatever may be the issue of that experiment elsewhere, a difference in the structure of the Government, in the physical as well as political situation of the country, and in the various departments of industry, seems to deprive it of any important influence as a precedent for the imitation of the United States.'

This is very much the language of a man trying to stave off a perilous truth. In America as in England, an awkward verity may be detected by being thus preparatorily shuffled to one side. Assuredly the Secretary was right in saying, that the experiment of an inconvertible paper circulation had not been fairly tried in the United States. To permit some two or three hundred banks to issue paper at will, or to issue Treasury notes to be exchanged for such inconvertible paper, was as stupid a way of trying the experiment as could easily be devised. At this time, it was estimated by Mr. Calhoun, who has since been Vice-President, that the bank notes in circulation amounted to at least a hundred and seventy millions of dollars; and that the total amount of specie in all the banks did not exceed fifteen millions. No wonder that, in this state of things, Congress should have listened favourably to a proposition for chartering a National Bank, to be managed on sounder principles. Accordingly in April 1816, the Bill for incorporating the present United States Bank was passed. The capital was thirty-five millions of dollars; of which the Government subscribed one-fifth or seven millions, the residue being subscribed by individuals. In the same session Congress passed a resolution declaring, that nothing but gold, silver, or Treasury notes, or notes of specie-paying banks, ought to be received in payment of duties and taxes after the 20th of February 1817. The principal banks in the midland States sent delegates to New York in September 1816, who resolved in spite of the innocuous resolution of Congress, not to recommence specie payments till July 1817. Subsequently however, an arrangement was made with the United States Bank, to resume specie payments on the 20th of February 1817, on condition that the Bank would not call for any balances that might be due, until the Bank and its branches had discounted for individuals in New York, Philadelphia, Baltimore, and in Virginia, to the amount of six millions of dollars.

It appears from the foregoing historical sketch of the state of the currency in North America, that from the earliest period to the year 1816, the country never possessed anything like a sound circulating medium, except for a few years in Massachusetts and Pennsylvania. Previously to the Revolution, in the days of the old British dominion, the currency was tampered with in almost every conceivable way. During the Revolutionary war it was not to be expected that any improvement would be made. On the contrary, the paper emitted by authority of Congress was peculiarly worthless. The old United States Bank had but little effect on the general banking operations

of the country. Its capital was not a tenth of that possessed by the banks which were chartered by the different States in the course of the twenty years ending in 1811. That period of American financial history appears to have been less disastrous than any other, in consequence of the peculiar advantages enjoyed by the country, which had the wisdom to remain at peace, and put forth all its young energies in a right direction, while the nations of Europe were busied in ruinous wars. There are other notorious advantages which the United States have at all periods possessed, and which have rendered the evils inflicted by injudicious legislation, particularly as regards their currency, comparatively light. But it is sufficient to state, what will not be contradicted, that even during the most palmy days of American prosperity, when the country made advances that astonished the rest of the world, the vicious state of her circulating medium was felt as a drawback and a disease.

After the expiration of the charter of the old United States Bank, it has been shown that the currency for several years was in such a state, owing to the enormous uncontrolled issue of inconvertible bank-paper, that even the anti-bullionists, who professed to believe that the precious metals had risen, not that their own paper had fallen in value, were compelled to acknowledge the necessity of some steps being taken to bring back the circulating medium to a more healthy state. With this view, the present United States Bank was chartered, with a capital very nearly three times the amount of the old one; and the most sanguine expectations were formed, that all would be set right. The principal use of the Bank, it must be remembered, was in Mr. Madison's words to restore the benefits of a uniform national currency to the community, to provide a substitute for gold and silver, and to curtail the enormous issues of bank notes. How far the new establishment succeeded in accomplishing these objects, will appear from a review of its history from January 1817 when it came into operation, to the present time.

The financial embarrassments of the Government when the Bank began its career were very great. The duties were paid in a description of paper which the creditors of the Government would not receive. In fact the Treasury funds consisted of bank notes which were not current twenty or thirty miles from the places where they were issued; and many of the State banks, which had been the depositories of the public money, refused to pay the balances to the new Bank, or to pay them at all except in the ordinary course of Government expenditure. The final loss to the Treasury by these notes exceeded a million of dollars.

Such was the state of affairs, that although there appeared on the Treasury books to be a balance of twenty-two millions of dollars in hand, the Government was forced to borrow half a million from the new Bank to pay the interest due on the public debt in Boston, in January 1817. The Bank commenced operations with rather less than a million and a half of dollars in specie, and fourteen millions in the public stocks, subscribed, according to the terms of the charter, partly by individuals and partly by the Government. The second and third specie instalments which soon became due, were paid, not in specie, but by stock notes (or notes guaranteed by pledging stock which had been subscribed but not paid for), which were discounted by the Bank; for if the specie had been demanded, it must have come out of the vaults of the Bank, where alone it was to be found, and thus the real amount of gold or silver in hand would not have been augmented. This is the consequence of banking with fictitious money. From documents laid before Congress in 1819, it appears that of the second and third instalments which should have produced together five millions six hundred thousand dollars in specie and seven millions in Government stock, only about three hundred and twenty-four thousand dollars were actually paid in coin, very little in stock, but nearly all in the proceeds of notes for the security of which the very stock they were to pay for was pledged. In short the capital of the United States Bank when all was paid in, appears to have consisted of about two millions in specie, twenty-one millions of funded debt, and twelve millions of stock notes. But the Bank was established, and forthwith commenced the grand business of pushing its notes into circulation. Promissory notes of stockholders were discounted to the full value of the shares at par, so that those who had made *bonâ fide* payments in specie were enabled to draw nearly the whole of such sums out, and substitute their own notes for the capital in cash and government stock which they ought to have paid in. In this manner great speculations were made in the stock, which could be transferred at the small cost of merely paying the premium, for loans were easily to be obtained by any party who had, or expected to have, stock to pledge. The stock-jobbers composing the majority among the directors, authorized the payment of dividends in Europe at par, although the exchange was against the United States; and this assisted materially in forcing up the market price of the stock, though on the whole it was not beneficial to the establishment. In August 1817, the price of the hundred dollar shares reached 156½. At all the different branches, but especially at Baltimore, the directors helped themselves and

their friends to large discounts, which amounted altogether, after the Bank had been in operation about nine months, to thirty-three millions of dollars. In the mean time the resumption of cash payments by the banks of the principal Atlantic cities had been but nominal. There was a general belief that a pressure for specie would have caused bankruptcy; every impediment was thrown in the way of those who demanded specie; the Bank of the United States was of course not eager to adopt a practice that might have proved extremely inconvenient to itself; and by a sort of common consent, there was in fact no resumption of cash payments, though gold and silver coin sold at a premium of ten per cent for New York and Philadelphia city notes. The consequence of this was the reverse of a contraction of the currency; and the establishment of the Bank which was intended to curtail, added very considerably to the circulation of paper during the first year of its operation. In April 1818, the discounts of the Bank reached forty-three millions of dollars; and at a very considerable sacrifice the directors purchased coin in the West Indies and other places. It is said that they imported about seven millions of dollars between July 1817 and July 1818, at a cost of half a million. But nothing could keep specie in the country while the circulating medium was so greatly depreciated. The Bank, notwithstanding its importations, never had three millions of dollars in its vaults, to support itself and its eighteen Branches; and the Directors in July 1818 were forced to change their policy and commence the reducing system. In the course of three months the discounts in Philadelphia, Baltimore, Richmond, and Norfolk, were lessened nearly six millions. The reduction fell almost entirely on business paper; the large amounts loaned on stock paper were almost untouched. The distress occasioned by this reaction was widely spread and severe. Complaints of the conduct of the Bank were loud; and a Committee of Congress was sent to Philadelphia in December 1818 to examine its affairs. The Committee reported that the charter of the Bank had been violated in several respects, particularly in not requiring instalments of capital to be made in coin, and in paying dividends to stock-holders who had not paid up their instalments. A resolution was also offered by the Chairman, that a *scire facias* should be issued to call on the Bank to show cause why its charter should not be forfeited; but it was subsequently withdrawn. The stock fell to ninety-three within little more than a twelvemonth after it had been at one hundred and fifty-six; the president, Mr. Jones, decamped in alarm; and Mr. Langdon Cheves, an acute financier and a person of very high character, took his place.

Three years afterwards Mr. Cheves gave the stock-holders an account of their concern, which he had succeeded in placing on a much better footing. This account described the mal-practices of the first Directors, and a series of mismanagements, speculations, and disasters, which the history of the very worst European speculations can scarcely match. The president and cashier of the Baltimore branch contrived to discount for themselves notes to the amount of three millions of dollars, without the knowledge of the other officers, upon securities not really worth more than half a million, and in several instances wholly fictitious. The southern and south-western Offices paid not the least regard to the orders of the parent Bank in Philadelphia; but discounted notes, drew bills of exchange, and operated in other ways as if their managers were madmen or swindlers. Mr. Cheves immediately took the only measures to save the institution. The discounts were still further curtailed; the Branch Banks were forbidden to issue notes when the exchanges were against them; the balances due by local banks were collected; a loan of half a million sterling for three years was negotiated in Europe; and a new arrangement was made for the payment of the money due to Government. These measures preserved the Bank, but ruined its debtors; and the mercantile distress they occasioned was severe and lasting. In all parts of the country the local banks curtailed their discounts; many, especially in the western States, stopped payment altogether; there were forced sales of merchandise, farming stock and landed property; vessels lay idle, factories were shut up, usury flourished, and the newspapers were filled with advertisements of insolvencies and meetings of creditors. The official value of property in the State of New York was three hundred and fourteen millions of dollars in 1818; in 1820 it was only two hundred and fifty-six millions. The country suffered all the evils consequent on a depreciated currency when the time comes for the tide to turn.

Such were the first results of the attempts of the United States Bank to restore a uniform currency, provide a substitute for coin, and curtail the issues of bank paper.

There was a general flatness throughout the country for two or three years after the first grand curtailment of the Bank. In 1821 there was a brief rally; but the banks discounted with far too great liberality, and were again obliged to draw in; the consequence was very considerable distress in 1822, and 1823. In 1824 the symptoms of the various speculations which marked the years 1825 and 1826 became apparent. New banks, insurance and other joint-stock companies, were incorporated by the State legislators. Money became what is called plentiful,—that

is to say, as brandy does by watering; promissory notes, and bills of exchange founded on gambling transactions in produce, were discounted with the greatest facility. The mania which raged in England at that period, extended itself to the United States. During the short period of prosperity it is vain to look for the steady controlling power of the United States Bank; which under the judicious management of Mr. Cheves and his successor Mr. Biddle, had retrieved its credit and generally acted with prudence. But while business is stagnant and prices are falling, it is easy for a bank to be prudent.

A country in the situation of the United States recovers from the effects of commercial and financial disorders with great facility. Accordingly from 1827 to 1830 inclusive, upon the whole affairs went on smoothly. In 1831 the banks in the principal cities began to increase their circulation. The United States Bank acted on the same plan. Mr. Cambreleng, than whom there cannot be a better authority on these points, states that in New York, Massachusetts, Rhode Island and Pennsylvania, exclusive of the Philadelphia banks, the circulation was increased by eight millions of dollars in 1831. The circulation of the United States Bank in January 1829 was thirteen millions and a half of dollars. In January 1832 it was twenty-four millions and a half. In January 1831 the discounts and loans of the Bank were rather more than forty-two millions of dollars. In May 1832, that is in sixteen months, they reached upwards of seventy millions.

This fact, which is stated in the President's message of the 3rd of December 1833 and which is not denied, leads to the consideration of the pending struggle between the Bank and the executive.

The hostility of General Jackson to the re-chartering of the United States Bank was avowed at the outset of his administration. He shares this feeling with many of the leading members of the Democratic party, among whom Jefferson and Randolph were the most conspicuous. There seems to be no reason whatever to doubt the purity of the President's motives in maintaining this opinion. He provoked powerful hostility by announcing it, and, but for the struggle with the Bank, would probably have passed through his second Presidential term in peace. The Bank applied for a renewal of its charter in the session of 1831-2, the session previous to the election of President, when it was known that General Jackson would again be put in nomination. At the same time an enormous and sudden increase was made in the amount of its loans and discounts. There is no reason to doubt the assertion of the Presi-

dent, that large sums were loaned to the proprietors and editors of newspapers, and that a considerable sum was expended in purchase of pamphlets and circulation of documents in defence of the Bank. Having made these preparations, the Bank applied for a new charter. It was granted by the two Houses, but rejected by the President, who put his *veto* on the bill. It then became evident that the decision of the question of 'charter or no charter,' depended in a great degree upon the result of the election of 1833. That election terminated in the triumphant return of General Jackson, with a majority against the Bank in the House of Representatives, and for it in the Senate.

The President then determined to attack the Bank by every means in his power; and that institution gave him some fair opportunities for executing his purpose. A considerable sum was due to certain British and Dutch creditors of the Government in 1832; and on the Bank, in the face of its extended loans and discounts, finding it inconvenient to answer drafts to the expected amount, the Directors entered into a secret negotiation with the European creditors not to present their securities for payment until one or more years after they became due. In this manner the Bank retained the use of the Government money intended for the payment of its creditors, paying them interest in the meanwhile. But as the creditors still held their securities, if the Bank had become involved, the Government would have been applied to for their discharge notwithstanding the private arrangement above mentioned. It is absolutely impossible to reconcile the conduct of the Bank in this affair, with its duty as a servant of the public, entrusted with its monies to a large amount. The charter of the Bank seems also to have been violated by the resolution of the majority of the directors to put large sums at the disposal of their president Mr. Biddle, so as to prevent the mode of their application from becoming known to the Government directors. Under these circumstances President Jackson determined to withdraw the Government deposits from the Bank; and as Mr. Duane, then Secretary of the Treasury, refused to comply with the mandate, he dismissed him from his post, and appointed Mr. R. G. Taney to the Secretaryship. That gentleman lost no time in selecting twenty-five State banks to receive the revenue; and withdrew, by degrees, the Government money in the keeping of the United States Bank. He appears to have executed this duty in a manner as inconvenient as possible to the Bank. Drafts for upwards of two millions of dollars were kept hanging over its head, without any notice being given of their having been issued from the Treasury in

the weekly lists transmitted to the Bank. These drafts were placed in the hands of the Secretary's *pet* banks, as those were called which he selected as depositories of the public money. He made a sudden demand of three hundred thousand dollars on the Branch Bank at Savannah, with the apparent view of shutting it up. In other ways the Bank was annoyed as much as possible. The right of the President and his Secretary to remove the deposits, formed the principal topic of discussion during the last session of Congress. The House of Representatives took part with the President; the Senate, with the Bank. Counter-resolutions on the same question, presented in a variety of forms, were passed by the two Houses. General Jackson himself came more than once into collision with the Senate; particularly in consequence of his refusal to furnish that body with a copy of his statement of reasons for withdrawing the deposits, which he read to his cabinet in September 1833, and the Senate's refusal to confirm the President's nomination of Mr. Taney as Secretary of the Treasury, and Mr. Stephenson as minister to England. A committee of investigation into the affairs of the Bank appointed by the House of Representatives, was denied all access to papers or accounts by the Bank: During the whole struggle the President has been firm; but his majority in the House of Representatives has wavered considerably. It does not appear that any measure substantially affecting the question has been resolved upon during the session.

While these debates were going on in Congress, the financial affairs of the country were extremely disordered. The Bank reduced its loans and discounts to fifty-four millions of dollars; and it was some time before the banks selected by the Secretary were enabled to obviate the effects this contraction produced. The whole amount of the deposits withdrawn did not reach ten millions of dollars; but in addition to this, the regulation for reducing the term of credit for the payment of duties on imported goods passed the previous session, came into operation in the winter and spring, and bore hard upon the merchants. Still the effect produced seems to have been much greater than these causes warrant. The failures of private merchants of small capital were very numerous, and an incomplete list of bank failures gave a return of ninety-six which had stopped payments. Complaints of distress resounded from all quarters. Resolutions were passed by one party arraigning the conduct of the President, by the other imputing all the calamity to the operations of the Bank. The fact however was, that between August 1833 and April 1834, the period of distress, its loans

were only reduced ten millions, and its note circulation was somewhat augmented. But then the effects of previous overtrading, encouraged partly by the Bank, began to be felt, and credit received a shock by the removal of the deposits, the effect of which was artfully exaggerated by the Bank party. It is observed by the author of the 'Report of the Union Committee,' that

'At no times, and in no country, has the extension of credit in all its forms been carried further than in the United States. The currency of the country, founded upon a specie basis generally too narrow for the superstructure, rests almost exclusively on the confidence placed in the solidity of the notes discounted by near four hundred banks of issue. A similar disproportion is to be found between the actual capital of merchants, manufacturers, mechanics, and of almost all men engaged in the active pursuits of life, and the amount of their business. All those men are at the same time debtors and creditors for sums generally far exceeding their respective capitals. All depend for the ability of punctually discharging their engagements on the punctuality of each other....The daily payments through the banks of New York alone exceed five millions of dollars.'

This is the deliberate statement of four-and-twenty leading men of business in New York, with Mr. Gallatin at their head. Who then can be surprised at the frequency of commercial panics in the United States? Who does not see that of all countries it has the most need of a safe and well regulated currency, instead of one of the worst description?

The last accounts from the United States announce the restoration of commercial confidence. The Bank had been discounting freely, and it was expected that at least ten millions would be added to its loans. The power of the President to inflict immediate injury upon it, was exhausted by the withdrawal of the deposits. The elections which will take place this autumn, may possibly turn the majority of the House of Representatives in its favour. This augmentation of its loans, which will now again be larger in amount than they have been for many years previously to the agitation of the question as to its charter, may very probably be made with a view to influencing returns of members to Congress. But still, if the President is firm, the charter must expire in 1836, a year before the brave old man leaves office.

There appears to be considerable doubt and ignorance as to the intentions of the President with regard to future measures connected with the currency. Three Acts were passed during the late session, which bear upon this question. It was decreed that the full market value of gold should be given at the

mint. Hitherto the gold 'eagle' was only received at ten dollars, whereas it was really worth three quarters of a dollar more. A new coinage was commenced the 1st of August; the eagle will weigh 258 grains, and pass for ten dollars; the old eagle weighed 278 grains. Another Act makes Spanish and South American dollars legal tender, and French five-franc pieces legal at ninety-three cents. These enactments will, it is expected, make gold and silver more plentiful, but will go but a little way towards providing a sound currency for the United States. The views of the Government, however, are said to be directed towards establishing a sound currency through the agency of the State banks. But it is plain that the Government exerts no agency adequate to such a result.

The commercial body generally, wishes for the re-chartering of the National Bank on the same principles as before. The question therefore is, whether these principles have any tendency to produce the effect desired, or leave the evil in reality where it was. It is admitted in the Union Committee's Report, that the only reason for giving the United States Bank its large capital, was 'the necessity of investing it with power sufficient to check and regulate the issues of other banks,' and yet a little further on in the same Report are found complaints against certain banks of New York, on account of 'the extravagant issues of some of them, the disproportion between their specie and their issues, and the imminent danger of suspension of specie payments which threatens the whole system, whenever any untoward event, such as must necessarily occur in the course of human affairs, may disturb the ordinary course of things.' This admission, be it observed, is made at a time when the operations of the 'regulating' Bank are unusually vigorous and extended.

It would seem then that neither by the agency of State banks employed by Government, nor yet by re-chartering the United States Bank on the former principles, is there any reasonable ground to look for the establishment of a sound currency in the United States. The Union Committee are of opinion that the defects of the existing system may be remedied by other means. The following are the concluding passages of the Report wherein Mr. Gallatin's remedies for the cure of the diseased currency in the State of New York are offered.—

'They consist merely in restricting the amount of the loans and circulation of each bank, by substantial and not by nominal restrictions. The suppression of notes of a less denomination than five dollars, we believe, is generally demanded. It will have, among others, the great advantage of causing all small payments, those for

articles daily brought for sale at market, and those for the daily compensation of labour, to be made in specie, and of lessening the injury which the suspension of specie payments, or failure of any bank, always inflicts on the poorer classes. But this measure will afford but a partial remedy against the general danger. The amount is variously estimated at one fifth or one fourth part of the whole circulation; but no inconsiderable portion of this would be soon again supplied by five dollar notes. We repeat, that the true and efficient remedy is only to be found in a substantial restriction on the issues and loans of the banks.'

'According to the existing laws, the loans are restricted to twice and a half, and the amount of Bank-notes to twice the amount of the capital. The first restriction is insufficient; and the last can hardly be called a restriction. There is no bank which may not divide more than six per cent, if its loans are limited to twice the amount of its capital. Under proper management a much smaller amount is sufficient. The total amount of notes issued by all the banks of the Northern States is less than one third part of their capital. It will be seen by the last report of the Bank Commissioners, that the gross amount of all the notes issued, that is to say the whole of the apparent circulation of the banks under the Safety Fund*, amounted to 15,400,000, on a capital of 22,700,000 of dollars. The disproportion between the liabilities and resources is to be found in the extraordinary amount of issues by some of the banks. It is not for the purpose of enabling stock-holders to make extraordinary profits, but for the public good, that banks are instituted. We are perfectly satisfied, that a restriction which should limit the issues of every bank to two-thirds of its capital, would be amply sufficient to secure to each a dividend of six per cent, and, in a great degree, to the State a sound currency, independent of the acts of any other legislative body.'

As intimated more than once already, the great question upon all this is, whether the Americans are moving, or intend to move, upon the track that has a tendency to obtain the end desired. Are they building, or going to build, a machine that shall really cause the vessel to make way in the desired direction; or is it all make-believe, like a segar stuck into an old shoe for a steam-boat? The American statesmen, it appears, set off with intimations that so and so may be very true and certain, but 'a difference in the structure of the government, in the physical as well as political situation of the country,

* The Safety Fund Act passed a few years ago in the State of New York, provides for the annual or intermediate (if necessary) investigation of the affairs of each bank chartered since the Act was passed. It also lays an annual tax of one-half per cent on the capital of all such banks, the proceeds of which are to be applied towards making up the deficiencies of banks that fail; thus in fact charging well-managed banks with the consequences of the bad management of others over which they have no control.

seems to deprive it of any important influence as a precedent for the imitation of the United States. This is the exact parallel of the cant uttered on this side of the water on the subject of monarchy; the meaning of the whole being to put a block on possible improvements. There may be no denying the disadvantages under which America may lie in certain directions in consequence of her federatively republican form of government, any more than those under which England lies from her monarchical. But let there be first a manly statement of what *ought* to be if the form of government did not prevent; and then let the blame of so much as the form of government prevents, be laid upon the form of government.

Is there generally existing among the American people a knowledge of the fact, that any free community may,—if it has union enough within itself to put down the exertions of individuals to obtain advantages to themselves at the expense of the community,—create to itself an inconvertible 'paper competent to all the purposes of an instrument of exchange, and free from the evils either of depreciation or bank-breaking,—by the simple precaution of allowing no issues but on proof that the existing paper will purchase an assigned or standard quantity of some commodity (say gold) *and a little more*, and that the issues shall from time to time bear only the same proportion to the amount previously in circulation, that the quantity of gold called above '*a little more*,' bears to the assigned or standard quantity;—and may, and ought to, quietly put into its community's pockets a substantial value equal to the whole nominal amount of the circulating medium so supplied, by considering the goods received for the paper by the General Government as so much to be deducted from the expenses of that General Government? To put the case more closely, are they penetrated with the fact, that an honest and well-informed General Government, supposing it to have the power to face all the jobbers who are its enemies, would proceed to issue a paper of this nature, receiving for it of course by voluntary exchange, supplies of the kinds wanted for the public service (materials, for example, for ships of the line and frigates, beef pork and biscuit for the inmates of the same, or whatever else may for the time being be the allowed and authorized expenditure of the General Government), *and would take off from the taxes levied by the General Government*, to exactly the same amount, either in principal at once, or by transmutation into a perpetual interest of equal value? Have the rough-spun and hard-handed men in America, or half of them, who mutter strange curses on the taxes demanded by the General Government, any

notion that the taxes might be diminished by all the millions of dollars hard or soft they see circulating in America, if only certain jobbers in all corners of the country could be put down, whose interest it is to take all this for their own use? What an outcry would be raised in America if the idea was to get abroad, that General Jackson was taking all these millions of dollars, and applying them to the use of himself and the little Jacksons if such there be,—or was dividing them among his staff and followers according to any scale it may be chosen to devise,—or was serving them out among his civil friends and supporters, on pretence that this man and that would make an excellent use of them, and employ them vastly to the advantage of America? Yet this is exactly what the man would do, who being in General Jackson's place, should allow the millions of dollars which constitute the currency, to be run away with by men of various kinds and qualities, on pretence that they are private bankers and bred to the trade, or any other pretence which is to end in depriving the American public of having the value of the paper put to its account, and putting the value into the pocket of private individuals. The American Secretary of the Treasury, as above quoted, appears to have gone the length of framing to himself the idea of a sort of fairness of division among the plunderers of the public property; for he actually speaks of 'giving each bank a legitimate share in the circulation.' That is to say, he concedes the point, that the private bankers have a right to wheel away the whole or any part of the public property in the currency, on condition only of their finding the wheel-barrows; and confines himself to ensuring such a division of the spoil, as the thieves shall vote 'legitimate.' Truly there is a plague of 'legitimacy' in the new Continent, as well as in the old.

There is no intention to undervalue or conceal the difficulties under which the Americans at large may lie. The fact is that their form of government is a bad one *quoad* this particular purpose, as the British form of government is a bad one *quoad* a great many more. The Americans in their respective States, have an intense jealousy of the General Government, and a violent dislike to leaving anything to be done by its agency. They have their choice therefore (supposing the thing to be one that can only be done by the General Government), whether they will allow a hundred or a-hundred-and-fifty millions of dollars or the perpetual interest of the same, to be run away with by private jobbers when it ought to be struck off from the taxes paid to the General Government by the American citizens at large, or whether they will undergo the disagreeableness of

allowing the thing to be done for them by the General Government. They are in the situation of children, who must eat their cake as they can get it, or not eat it at all; there is nothing puzzling in the dilemma; it is as clear a case as was ever put to the inmates of a nursery. And it certainly does look exceedingly foolish, that supposing the case to be that the thing can be only done by the General Government, they should agree to pay or lose to the amount of five or six millions of dollars yearly, sooner than allow them to be saved by an operation of the General Government. They allow the Navy, for instance, to be supported by the General Government, not because they absolutely could not have a Navy without, but merely because it is more convenient to do it so than otherwise; and here they will not allow five or six millions of dollars annually to be saved to them, because, say they, it must be done by the General Government. The truth is, the people of America at large are not well informed upon the matter, and the jobbers are. The men that hope to get at the hundred and fifty millions or whatever it may be, are the men that see difficulties; and the rest of the community have their heads in a bag and see nothing. If there ever was an object for which it would be desirable that a collection of republics not federated should federate, it would apparently be for the purpose of supplying themselves with a general paper money, incapable of accident or evil, except through that gross mismanagement by which every cook may spoil the pottage if she chuses.

The difficulty which the would-be jobbers will always bring forward, will be how the non-issue of paper except by the proposed standard is to be secured. How do the Americans prevent their agents in the dock-yards from issuing two main-topsails where they ought to issue one; or their officers on the frontier from drawing pay for ten soldiers where they have only five? Simply by the use of such things as accounts, and setting one man to check another; and most of all, by bringing all these things within scope of the examination of the popular branch of the government. Let an Act of Congress direct the laying before the House of Representatives monthly statements of the price of gold in half a dozen of the principal cities of the Union, and authorize some half dozen of public officers to issue their joint warrant for the creation of bank paper whenever the paper price of the ounce of gold on the average of all the prices of the preceding twelve months, was (for instance) *one* per cent below some standard price (as for instance twenty paper dollars an ounce, or whatever else may be thought fair to start with), *and never otherwise, under the*

pains and penalties of forgery as by law at the time being, the whole proceedings in all their branches to be produceable at all times on the demand of any individual member of either House,—do this, and see what half dozen executive officers will be found to club together to bell the cat, and take honest men's money out of their pockets by over issues.

If it should be urged that there is no absolute impossibility in effects of the same general nature being produced by the agency of the *State* governments,—the answer appears to be, that the difficulty and danger of the thing is vastly increased by the complexity. Instead of one suspected point to watch, there are to be five or six-and-twenty suspected points to look after. And what is to be done if Massachusetts accuses Pennsylvania of playing tricks, and Pennsylvania solemnly affirmeth that she will not let Massachusetts look into the business? There could apparently hardly be a better recipe, for securing a currency which at all events should not be general throughout the States; in other words for not doing the thing that is wanted to be done.

What the Americans appear to be actually doing, is making gold eagles. They might certainly do worse, but it is also true they might do better; and when they have made their 'gold eagles to their hearts content, they will perhaps find out at some time, that they might as well put the gold into their pockets, and save the price of it *minus* what has been thrown away on the process of coining. Suppose that when the Americans have got their ten millions of gold eagles, or whatever the number is to be,—the General Government should propose to every holder of a gold eagle, to give him a ten dollar note upon production of his eagle, and his eagle besides, on condition only of melting it in a crucible into a lump of gold, and that these ten dollar notes (with restrictions on their increase as aforesaid) should be found to possess the faculty of passing in exchange just as well as the gold eagles;—can any man tell, whether the citizens of America would gain to the value of the gold in ten millions of gold eagles, or not? Or can any man doubt, that the citizens would make a gain of their respective gold eagles (and all the gold eagles in America belong to somebody), of exactly the same nature as a man makes by resolving to drink out of glass instead of silver, and sending his silver to market to the silversmith? If such an operation were performed on all the gold eagles in existence at once, it might make a strange crash in the gold markets within the visible horizon; but this is exactly what nobody is stupid enough to propose, and therefore nobody should be stupid enough to bring

forward as an objection. Supposing this exceeding stupidity out of the way, the process would go on gradually and quietly ; and exactly the same effects would be produced in the long run, by appointing a National Bank to make all the paper of the community, and leaving the eagles to take their own course afterwards.

America is in reality the mother country of sound knowledge on the subject of currency. There were sound notions in action there, when Englishmen were running at the heels of a minister who procured a vote of Parliament to say a paper pound was in men's estimation as good as a gold one, though the latter was visibly passing at an increase of 33 per cent. It is therefore with regret that Englishmen who have their eyes open, see the opportunity lost by the Americans of putting themselves in the van of civilized communities on this point. The time is certainly not far off, when the citizens of an instructed community will think it as unreasonable to be asked to pass a gold eagle from hand to hand as security for ten dollars worth of goods, as to be asked to make a bond or other security upon a plate of gold of value equal to the sum the bond is to secure.

If anything should induce the reader to wish to see what has been before stated on the same subject in the present work, he is referred to the Article on the '*Renewal of the Bank Charter*' in No. XXXIII for July 1832 ; and further to the Article on '*Banking*' in No. XX for April 1829, and the Article on the '*Instrument of Exchange*' in No. I for January 1824.

ART. II.—*Voyage dans le District des Diamans et sur le Littoral du Brésil, suivi de Notes sur quelques Plantes caractéristiques, et d'un Précis de l'Histoire des Révolutions de l'Empire Brésilien depuis le commencement du Règne de Jean VI jusqu' à l'Abdication de D. Pedro.* Par Auguste De Saint-Hilaire, Chevalier de la Légion-d'Honneur, membre de l'Académie royale des Sciences de l'Institut de France, &c. &c.—2 vols. Paris. 1833.

OF the numerous provinces which constitute the vast empire of Brazil, none have excited more attention than that of the Mines, in which the celebrated Diamond District is situated. Thither Mawe, Luccock, and other modern travellers, animated by the spirit of trade, directed their foot-steps. Towards the same point Captain Ashe, in his buccaneering expedition to Brazil, also proceeded ; and inferior adventurers, condescending to smuggle where they would formerly have robbed, haunt the wild recesses of the Diamond Mountains, contending by skill and daring with the slothful satellites of the government. Respecting this part of the empire, M. De Saint-Hilaire's information

is valuable. Previously, however, to the publication of his travels, numerous curious particulars concerning the Diamond Mines, the mode of working them, the regulations of the Brazilian government on the subject, the treatment of the slaves, &c., had been collected by the indefatigable Southey; but the memoirs on which he based his account having been somewhat antiquated, a description of the whole district by an eye-witness will be read with considerable interest. The present work is the result of the researches and observations of three years; or rather a portion of that result, for two volumes had been previously published, and two others are hereafter to appear.

As access to the Diamond District is exceedingly difficult, not only to strangers but likewise to the natives themselves, the notions which have been generally formed respecting it are particularly vague and imperfect. Its situation moreover, in the lofty unfrequented part of the Province of the Mines, divided from the rest of the empire by a circle of rocks, frowning, bleak, and desolate, has contributed to generate and maintain unfounded surmises and mysterious ideas concerning its productions and resources, which have from the first been monopolized by the government. The impediments to a free ingress into this 'Valley of Diamonds' consist not so much of the obstacles erected around it by nature, as in certain regulations constricted by the governors for their own benefit. By these, all persons not duly authorized,—formerly by the crown of Portugal, now of Brazil,—are forbidden to approach the sacred district. Bands of soldiers, armed as against a public enemy, vigilantly guard every avenue; the slaves are watched during their labours by numerous overseers; every precaution is taken, every invention resorted to, in order to secure to the crown the possession of that wealth which, in general, appears to be the only object for which monarchs undertake the management of public affairs. But against these regulations, the same thirst of wealth that occasioned their enactment, arms a number of desperate men, who voluntarily risk life and all other prospects of fortune, for the chance of enriching themselves by defeating the ingenuity of despotism. These men, vulgarly denominated smugglers, repairing by circuitous tracks to the rugged precipitous chain of crags which encompass the Diamond District, contrive during the prevalence of heavy fogs upon the mountains, or in the darkness of the night, to descend unseen into the valley, where they sometimes lie concealed for many days in the huts of the slaves by whose thefts they are supplied.

The discovery of the Diamond Mines of Brazil, which has proved so detrimental to the prosperity of India, took place

early in the eighteenth century. In 1730 the Diamonds were declared royal property, though all persons were permitted, under certain regulations, to engage in their extraction. On every negro thus employed, a capitation tax, varying from 1*l.* 6*s.* 0½*d.* to 13*l.* 0*s.* 5*d.*, was imposed. Such a mode of levying taxes, as M. De Saint-Hilaire observes, was palpably unjust; for in so uncertain an undertaking the proceeds are by no means necessarily proportioned to the number of hands employed. In a few years an entire change in the system was effected, not from any conviction of its injustice, but because it was found that owing to the extraordinary increase in the number of diamonds brought into the market, their value had diminished three-fourths. Measures were therefore taken to limit the extent of the supply. In 1735, the Diamond Mines were farmed at 35,854*l.* 3*s.* 4*d.* per annum; but the speculators were bound to employ no more than six hundred slaves; and this system was continued until 1772*.

* The manner in which the precious stones of Brazil were formerly distributed through Europe, is thus described by Lord Tyrawley, in a Memoir addressed to the British Government, in behalf of certain Portuguese merchants, whose property had been, by some irregularity, confiscated.

‘They put this affair under two heads;—first, as a point of law; secondly, as a point of trade; As to the first, as I believe nobody here has read the Act of Parliament concerning the importation of Diamonds, I cannot tell how it is possible to form any true judgment upon this seizure. The chief persons concerned in those Diamonds declare, they have no apprehension of a loss, insisting that it has always been customary to send them in that manner, and that they could not be seized in the Mail. They further say that it is publicly known that the Diamond trade is, and has ever been carried on throughout Europe by the post, being sent in that manner from one place to another, and backwards and forwards as there was a demand for them; and notwithstanding an Act of Parliament by which a duty has been laid on them in England, the same method of exporting and importing them has been continued in an open and public manner at the General Post House in London, and no seizure has ever been made before. Those that receive them at the Post Office in London, paid the common postage of the packet, by weight, besides one per cent upon a favourable valuation without showing them; and when delivered at the Post House to be sent abroad, there is one guinea paid for each packet, for registering the same, and postage when it is due. Now as our Common Law in England is as much founded upon customs and precedents as upon statutes and acts of parliament, and in some cases customs prevail; for I make no doubt there are some laws which have never been repealed, that are entirely abrogated by a constant practice against them: therefore it seems to them, that if this method of importing Diamonds can be proved (as they affirm it may) to have been always openly practised, and authorized at the Post Office, those that were in the Mail at Falmouth, however regularly the Custom House officers may have made their seizure according to the letter of the laws, cannot be condemned, but only are liable to the Duty upon them; since as well those who sent them from Lisbon in that manner, as

It was, however, discovered that the working of the Diamond Mines by private individuals, whose interests were diametrically opposed to those of the government, as in despotisms they always must be, was accompanied by frauds and abuses of various

those to whom they were consigned in London, acted by precedents, upon the public faith of the Post House, and according to a custom practised time out of mind.'

'As to the point of trade, they say that even the laying any Duty upon the importation of rough Diamonds is destructive to it, since the greater quantity of rough Diamonds are imported, the greater the benefit is to the nation; and that the Duty upon them with the penalty of confiscation, if not taken off very soon, will turn that rich channel out of ours into our neighbour's country, and give them the advantage which we now have in that trade over all the rest of Europe.'

'As Diamonds are worn and have a real value in all Europe, as well as in most other parts of the world, and must be cut and polished before they are fit to be worn, of consequence that country where the most Diamond Cutters are settled, and where the fair or market is kept for that commodity from whence the rest of Europe must be supplied, must have a considerable gain.'

'When Diamonds were only found in the East Indies, the settlement which our country has at Fort George, had almost brought the whole Diamond trade into the hands of the English; so that London, within these thirty years, is become the best market for them in Europe; and upon that account the best Diamond Cutters having come over and settled there, it has also been for a long time the place where Diamonds, but especially Brilliants, are cut in the greatest perfection.'

'The discovery of the Diamonds in the mines of the Brazils, has put a stop for the present to that trade from the East Indies, though not to the London market, on account of the advantage which England has over its neighbours in the Trade with Lisbon with the packets, men-of-war, and merchant ships, which are constantly going backwards and forwards between the two countries; so that the much greater part of the Diamonds which come from the Brazils have hitherto gone to London, from whence they are distributed to the rest of Europe. But should the seizure at Falmouth prove a loss, or should the Duty remain on Diamonds in England, it is very natural to suppose, that Merchants would trade to those places where they can do it with most safety and advantage. I am told they cut and polish Diamonds very well at Amsterdam; great quantities, but especially small ones, are cut at Antwerp. In Paris they cut Brilliants very well: there are also Diamond Cutters in Venice and in Hamburgh; and in none of those places do the Diamonds pay any duty, or run any risk of confiscation. And particularly Amsterdam stands the fairest to rob us of that Trade, if any hardships are laid upon it in England, as being better situated by far than London, to circulate them through the rest of Europe.'

'The price of cutting and polishing Diamonds, I find they allow to be at 20s. a carat, one with another; which our calculators here make amount to the sum of 75,000*l.* a-year. Was this the only profit, I should think it not to be despised; but there is besides, the freight, commissions, brokerages, and the gains that are made upon what is sold in London, both rough and cut, for foreign parts; all this is real profit to England, and is considerably increasing every day since the finding out the new Mines in the Brazils.'—*Southey's History of Brazil*, iii. Notes.

kinds; and in consequence, another change was accomplished. The government now determined to take into its own hands the superintendence of the mines; new regulations were drawn up, which, as Southey has observed, bore on the face of them the impress of the character of Pombal, then minister. By these new ordinances the Diamond District was still more effectually cut off from the rest of the world. Situated in a country governed by absolute power, it was now subjected to a despotism still more absolute; all social ties were snapped asunder, or greatly enfeebled,—in short, everything was sacrificed to the design of securing the exclusive property of the diamonds to the crown. In several instances however, the extreme severity of the regulations caused them to fall, like the laws of Draco, into desuetude; those for example, intended to limit the amount of the population and the number of the merchants; which condemned to confiscation or the galleys a negro detected with mining implements in his possession, or prohibited the sinking of the foundations of a house unless four officers of government were present.

When M. De Saint-Hilaire visited the mines in 1817, the administration had undergone successive modifications. The principal officer, at this period, was denominated the Intendant of the Diamonds, whose jurisdiction extended over the whole province. His power was nearly absolute. He regulated at his pleasure every thing connected with the working of the diamond mines, removed or suspended the employés, refused or granted permission to enter the district,—without which even the Governors of the Province themselves had not the power to pass its boundaries,—took whatever measures he judged proper for the prevention of smuggling, and directed the movements of the military force. But the authority of the Intendant was not confined to what more immediately concerned the mines; the police in the interior of the district was under his control; and being at once an administrator and a judge, it was necessary that he should have studied jurisprudence. In civil transactions, where the value of the property in litigation did not exceed one hundred thousand reis (25*l.* sterling), he judged without audience or appeal. Lawyers were banished from the district, the government fearing, not so much perhaps their ability to make the worse appear the better reason, as that they might obstruct the movements of despotism by their knowledge of law and the force of eloquence. The authority of the Intendant in criminal affairs was extremely bounded. The treasury in which the diamonds were deposited, had three keys, one of which was placed in the hands of the Intendant, the

second in those of the first treasurer, and the third was held by the principal clerk.

The places where diamonds are found, and where a body of slaves, with the requisite officers and overseer, are established, are called 'services.' According to the regulations, each of these troops should have a separate chaplain; but the administration being exceedingly poor, and therefore compelled to be economical, has commenced its reforms by diminishing the number of priests; one chaplain being compelled to superintend two troops of negroes, when they happen to work at the same 'service'. Mr. Mawe ('Travels in the Interior of Brazil,') appears to have been misinformed respecting the degree of attention bestowed by the government on the health of these slaves. He asserts that each body of negroes possessed a surgeon. This M. De Saint-Hilaire somewhat roughly contradicts, observing that when the government suppressed the farming of the diamonds, it purchased from the farmers the slaves whom they had employed. A hospital was then established, to which a physician and surgeon were attached; but the slaves not being at present the property of government, there no longer exists any necessity for a hospital or physicians. All the negroes who labour in the different services belong to private individuals, who hire them, at so much per week, to the administration of the mines. They once amounted to three thousand; but the increasing poverty of the government has caused this number to be diminished to one thousand; and their pay also has been reduced to less than half of what it formerly was. Each negro is clothed, and furnished with medical attendance during sickness, at the expense of his owner; but he is maintained and supplied with tools by the administration.

The condition of these slaves, whose labours furnish the costly gems which sparkle on the bosom or amid the tresses of beauty, forms a striking contrast with that of the classes whom they enrich or adorn by their toil. A wretched species of food, scantily doled out, enables them to sustain for a few years the weight of their misery: Domestic animals, dogs, cats, hogs, are generally better fed, and more tenderly treated. A quantity of coarse maize flour, a certain proportion of kidney beans, and a little salt, constitute the whole of their food; to which, by way of luxury, a small quantity of roll tobacco is added. When the kidney beans fail, their place is supplied by some kind of animal food. As very little time is allowed the negroes during the day, they are compelled to dress their food on the preceding evening, sometimes with no other fuel than a little dried grass.

Being forced to remain, almost the whole year, with their feet all day in the water, living on food little strengthening or nutritious, and generally cold or badly cooked, they are subject to enfeebling disorders, arising from the debilitated state of the alimentary canal. Frequently moreover, they incur the risk of being crushed by falling rocks, or avalanches of earth, which suddenly detach themselves from the face of the precipices. Their labour is painful and without intermission. Constantly under the eye of the overseer, to snatch a moment's repose is beyond their power. Nevertheless, such is the wretchedness of their condition in the domestic or particular service of their owners, such the natural appetite of man for gain, such the force of the most remote expectation of liberty, that these unfortunate beings, hard as is their labour and badly as they are fed, exhibit a decided preference for this species of employment. The money, observes M. De Saint-Hilaire, which they procure by secreting diamonds, and the hope of emancipation should they be fortunate enough to find a gem of a certain size, are doubtless the principal causes of this preference; but they have also other motives. Being collected together in large numbers, they contrive, in spite of their wretchedness, to excite each other to merriment, singing in chorus the songs of their native land; and whereas in the houses of their masters they are subject to a thousand caprices, here they obey one fixed rule, and so long as they conform to it, need fear no chastisement.

In ancient Egypt, as is learned from the sepulchral paintings of Eilithyas, even the reapers in the fields were kept in order by the fear of the whip; and the relation of Agatharchides discloses the character of the cruel regulations to which the labourers in the emerald mines, in the Eastern desert, were subjected. The practices of despotism are the same in all ages and countries. In the Diamond Mines of Brazil, the whip is the principal incentive to industry; each of the overseers being generally armed with a large stick, terminated by a strip of leather, with which he is permitted to chastise upon the spot any negro whom he considers negligent. It may easily be imagined how frequently such a being, constantly irritated by the irksomeness of his employment, must be tempted to strike. No 'fixed rule' was ever observed by men so armed; if the negro does not transgress the bounds of his duty, the overseer may be intoxicated by wine, by passion, by the mere irritation of temper incident to all persons who lead inactive lives. When the fault is of a serious nature, a more severe punishment is inflicted; the criminal on these occasions being tied to a ladder, and scourged by two of his companions with a whip of five

thongs. The overseers are not permitted to lavish this terrible species of torture without the concurrence of their superior officers; but the extent of their humanity may be judged of by the circumstance, that although the ordinances of the mines limit the number of blows to fifty, these amateur floggers frequently indulge themselves with an exhibition more sanguinary than the law has provided for their entertainment. After this, it is not surprising that the lives of the slaves should be short and uncertain.

From this wretched mode of life a fortunate accident sometimes frees the slave. When he happens to find a diamond weighing an octavo, or $17\frac{1}{4}$ carats, his value is ascertained by the administration, the price is paid to his owner, he is dressed, and set at liberty. His comrades, rejoicing at his good fortune, place a crown upon his head, make a feast, and bear him in triumph on their shoulders. He is entitled to preserve his situation in the mines, and receive weekly the sum formerly paid to his owner. If the diamond weighs only three-fourths of an octavo, the slave still obtains his freedom, though he is obliged to labour for the government some time longer. Such occurrences however, are not frequent. In 1816, out of one thousand negroes, three only obtained their liberty; and in the following year not a single instance had occurred up to the month of October, the period of M. De Saint-Hilaire's visit. For the discovery of diamonds of inferior weight and value, the slaves receive trifling rewards, as a knife, a hat, a waistcoat, &c.

When the negro finds a diamond, he shows it to the overseer, holding it between his fore-finger and thumb, and spreading his other fingers; after which he deposits it in the wooden bowl suspended from the roof of the shed beneath which the operation of washing is carried on. At night-fall, the overseers in a body bear the bowl to the special administrator, who takes an account of the diamonds found, causes their number and weight to be ascertained, and puts them in a purse, which he is supposed always to wear about his person. Monthly, or at shorter intervals should the junta require it, the diamonds are deposited in the treasury, each administrator forwarding those found in his service, by one or two overseers accompanied by a number of slaves. The treasurers verify the number of the gems delivered to them, weigh them again, and enter in a book an exact account of their weight, the name of the service where they were found, and the dates of their reception. These preliminaries completed, they lodge them in the treasury. Every year they send to Rio de Janeiro the diamonds found during the preceding

twelve months, in the following manner. They have twelve sieves, each pierced with holes of a different size; the first large, the rest diminishing gradually; and through these the gems are successively passed. The largest diamonds remain in the first sieve, those a size less in the second; and so on, until the smallest fall even through the last. Thus they are divided into twelve lots, each of which is made up into a separate packet, inclosed in bags; and these are again placed in a chest, on which the intendant, the fiscal, and the first treasurer put their seals. This done, the chest departs, accompanied by an officer appointed by the Intendant, with two horse-soldiers and four infantry under his command. On arriving at Villa Rica, it is conveyed to the General, who, without opening it, affixes his seal; it is then forwarded under the protection of the same escort to the capital.

The military force at the disposition of the Intendant and administration consists of two companies of infantry, and a detachment of the regiment of the province amounting to fifty men including the officers. The detachment of cavalry is commanded by a captain. Twenty men are cantoned on the frontiers of the district, to prevent smuggling, visit travellers who are leaving the province, or arrest those who attempt to enter without the permission of the Intendant. The remainder of the detachment is generally quartered at Tijuco, where it is employed in the service of the police, or in escorting the chests of diamonds to the capital.

It has been seen, says M. De Saint-Hilaire, that the system of administration introduced into the Diamond District, has no other object than to secure to the king the exclusive possession of the gems. For this purpose everything has been combined with the most marvellous sagacity; the most minute details have been entered into; every probability of thievery foreseen, and measures taken for defeating the most skilful and able robbers. Not satisfied, however, with combating the ingenuity of thievery by the most minute precautions, it has been judged necessary to oppose temptation by the fear of severe punishment. A free man convicted of smuggling is transported for ten years to Angola on the west coast of Africa, and condemned to have his property confiscated for the use of the crown. According to the ordinances, every slave detected in theft is also to be confiscated; but this iniquitous regulation has fallen into desuetude. The delinquent, having first been scourged, is put in irons for a longer or shorter period, according to the value of the diamonds stolen; during this period no payment is made for his labour; and if his owner is not, as formerly,

entirely deprived of his property, he is nevertheless punished for a fault which he did not commit, and possessed no means of preventing. These condemned slaves form a separate band, treated more severely than the others, and employed in ruder toils.

It is in vain, however, that the rigour of the laws has been increased, and measures of prevention resorted to. Cupidity and skill set all terrors at defiance, and triumph over every obstacle. Formerly, when the diamonds were more abundant, and less difficult to extract, there existed a sort of smugglers who, acting in concert, dispersed themselves over the places where the jewels were most plentifully found, and sought for them themselves. Some of the party, stationed as sentinels on the heights, gave notice to the labourers of the approach of the troops; upon which the whole band made their escape, climbing the most difficult and precipitous mountains. This was the practice that caused them to be denominated *grimpeiros* or 'climbers,' from which, by corruption, the word *garimpeiros*, the appellation by which they are still known, has been formed. Since the diamonds have grown more rare, and require considerable labour to extract them from the earth, this extraordinary race of smugglers has disappeared, though a few fugitive negroes, miserable and desperate, still go in quest of chance jewels along the banks of the remote solitary streams. But though the *garimpeiros* have become extinct, smugglers will no doubt always remain, since they will always be supplied by the thievery of the slaves.

In this kind of slight of hand, the negroes exhibit a degree of subtlety which the most experienced knaves might behold with envy. The new comers, raw novices, on their arrival, are quickly instructed in the mysteries of the profession by the old, whom they very quickly rival in ability. One of the predecessors of M. Da Camara, intendant of the mines, complaining that the abstraction of diamonds had become extremely frequent, and accusing the administrators of being wanting in vigilance, was assured by the latter that the most active surveillance could not prevent the delinquencies of the slaves. Desirous however of ascertaining by experience the ability of the negroes, the Intendant commanded the most adroit among them to appear before him, placed a small jewel amidst a heap of sand and flints in one of the channels where they usually washed for diamonds, and promised the slave his liberty if he could steal it without being detected in the theft. The negro then began washing the sand in the ordinary manner, while the Intendant stedfastly fixed his eyes upon his movements. In a few

minutes the magistrate demanded of the black, where the stone was. 'If reliance may be placed on the word of a white man,' replied the negro, 'I am free;' and taking the diamond from his mouth, he showed it to the Intendant.

But though the slaves may exhibit extraordinary tact and cunning in secreting the diamonds, it would be exceedingly difficult, without the connivance of their superiors, to carry on the practice to any great extent, or to dispose of them when obtained. Each overseer has the privilege of employing a number of his own negroes in the services, and it is easy to foresee in how many ways the master and slave may league together to defraud the government. Accordingly, as M. De Saint-Hilaire observes, while the slaves, during the operation of washing, filch the gems, the overseers engage with enthusiasm in smuggling, being commonly supplied by their own negroes. It is in fact quite evident, as he remarks, that the negroes would never have engaged in the practice of thievery, but for the temptations constantly held out to them by their superiors or other smugglers. Adventurous men, taking advantage of the night, repair to the different services by circuitous and almost inaccessible paths. They have their agents in the various troops of negroes, who, for a reward, bring to them such of their companions as have anything to sell. The diamonds are weighed, and the negroes receive at the rate of 12s. 6d. per *vinten* for stones of all sizes. Frequently the smuggler, engaged in numerous transactions, is unable to effect his retreat before morning; in which case he conceals himself in the huts of the slaves, where he remains all day, and makes his escape on the following night. Having cleared the outposts, the smuggler proceeds to Tijuco or to Villa do Principe, where he disposes of his purchases to the shopkeepers. In many cases, merchants travel thither from Rio de Janeiro, with stuffs, mercery, and other articles, in order to have a plausible pretext for sojourning there for a time; but their real object is the buying of diamonds. At Tijuco, the profit of the smuggler on the smaller diamonds does not exceed twenty-five per cent; but at Villa do Principe, in reaching which he has incurred greater risks, his profits amount to forty per cent. As the negroes sell by weight all the diamonds they steal, without any reference to their size, it is on the larger ones that the smuggler gains most; but it frequently happens that the novices in this species of traffic are deceived in their dealings with the slaves, who substitute small pieces of crystal, to which they have given the requisite appearance and colour by breaking and rubbing them among grains of lead. But the experienced smuggler is not thus to be deceived.

He distinguishes in an instant the false stones from the true, by rubbing one against another, putting them in his mouth and striking them against his teeth, to discover whether they will yield that silvery sound which diamonds thus assayed emit.

The temporary villages which spring up rapidly in the vicinity of the mines, and fall to decay with equal rapidity when the works are abandoned, present, while they last, a not unpleasing appearance, perched on the sunny slopes of the hills, or on the romantic precipitous banks of the diamond streams. One of these curious establishments is thus described by M. De Saint-Hilaire.

‘The houses of the troop of Corrego Novo, in number twenty-two, form a small hamlet rising on a gentle slope above the stream. They are constructed with earth, and thatched with straw, and stand round a square open space. None of them possess a second story; and their roofs, very different from those which are elsewhere seen in Brazil, are considerably higher than the walls that support them. The huts of the negroes, inferior in size to those of the overseers, have no windows, and are each inhabited by several slaves. Those of the overseers, on the other hand, are furnished with casements, are white-washed, and in many instances surrounded with gardens, in which I observed peach-trees in blossom. Two overseers dwell in the same house, which contains two apartments and a kitchen. The administrator occupies an entire mansion, and with him I remained during my stay at Corrego Novo.’—I. 29.

In most cases, the working of gold or diamond mines,—and the remark may perhaps be applied to many other sorts of mining,—must be regarded as a species of gambling; at all events its results on the moral constitution are to a certain extent the same. Sudden exaltation from poverty to riches, succeeded by expensive habits, dissipation, voluptuousness, and an utter distaste for the more ordinary processes of industry, marks the career of both the gambler and the miner. Even in the midst of poverty he dreams of incalculable wealth, refuses to direct his attention to any useful employment, and constantly deluded by insane hallucinations, drags on a life of wretchedness, with *El Dorado* ever glittering before his imagination. The provinces traversed by M. De Saint-Hilaire furnish numerous examples of this kind of madness. Formerly, great fortunes were sometimes acquired by a lucky accident, with marvellous rapidity, when near the *Rio do Carmo*, gold, as Luccock observes, was frequently found by plucking up the grass and shaking the roots. Those days however, are now over; yet numbers of adventurers, stimulated by these hackneyed traditions, continue to haunt the neighbourhood of the old mines,

digging and burrowing in the earth without ceasing, though their gains scarcely suffice in many cases to preserve them from starving. One of the haunts of a band of these miserable dreamers is thus described.—

‘The village of Chapada, where I halted, is situated on a flattish semi-globular hill, surrounded by other rocky eminences of similar formation. All around, the soil is dry and hungry, and rocks and white sand everywhere peep forth among the scanty herbage. About thirty wretched huts, scattered around confusedly, constitute the village. Their roofs, like those of Rio Pardo, have an exceedingly steep slope, which is rendered necessary by the nature of the grass with which they are covered; for being soft and fine, it would admit the rain water, if laid upon a more inclined surface. The brooks that flow near Chapada formerly yielded considerable quantities of diamonds; but the majority no longer furnishing any, the Intendant permits the search after gold, upon the produce of which the inhabitants of the village now subsist. These men, who are all mulattoes, value at 4 *vintens* [about 9½*d.*] the gold they can collect in a day; but, should they even conceal a portion of their gain, their poverty proves too plainly that it cannot be great. No trace of cultivation appears in the neighbourhood; though the heat of these elevated regions not being very intense, there can be no doubt that rye would succeed extremely well in certain positions. But the truth is, the search after gold is more agreeable than agriculture, to the lazy habits of the natives in the auriferous districts.’—I. 31.

In Europe, it may be generally remarked, horned cattle are less beautiful in form, and their flesh of an inferior quality, on proceeding towards the South. Except perhaps in the rich pasturages of Lombardy, and the Duchy of Parma, cows also yield less milk. In Egypt, where little attention is paid to the breeding of cattle, the cows are nevertheless fine, and their milk abundant; but this result is attributable to the humidity of the air, and the abundance and succulent nature of the grasses. The air of the mountainous regions of Brazil being generally dry and piercing, and the herbage scanty, the same rule which prevails in Europe holds good; the cows, though they present a fine appearance, having small udders, and yielding a very trifling supply of milk. At Tijuco, the capital of the Diamond District, a superior degree of industry, and cleanliness its natural accompaniment, prevails. Though encircled by ridges of naked rocks, and mountains perforated and broken up in search of gold, and covered with extensive mounds of grey and barren rubbish, the vicinity of the town exhibits a smiling prospect of rich variegated verdure. Gardens are extremely numerous, each house possessing its own. Here grow the orange tree, the banana, the peach, the fig, the quince tree, and

the pine. The common vegetables of Europe are likewise cultivated, such as the cabbage, the lettuce, chicory, the potatoe, with various herbs and flowers, among which the violet is the favourite.

'The gardens of Tijuco, though arranged without any regard to symmetry, appeared to be cultivated with more care than any I had elsewhere seen. However this may be, from the intermixture of houses and gardens differently grouped, and scattered on an inclined plane, arise the most agreeable points of view. From many of the houses we discover not only those situated lower down on the slope of the hill, but the bottom also of the valley, and the heights which rise in front of the city; and it would be difficult to describe the striking effect produced in the landscape by the contrast between the glossy freshness of the verdure of the gardens, the colour of the roofs, and the grey austere tints of the valley and encircling mountains.'—I. 42.

Many remarkable phenomena are observable in the economy of trees and vegetables transplanted from Europe to these warmer regions. It has been found by experiment, that the dry season is most favourable to European plants, provided they are supplied with moisture by artificial irrigation; while those indigenous to the country appear to derive no benefit from this process. This difference, which at first sight seems so whimsical, is susceptible of an easy explanation. During the drought, the vegetables of Europe experience a temperature analogous to that of their native country; they do not run to seed so rapidly as during the heats, and irrigation supplies that moisture which they require. On the contrary, if the native plants do not grow at the same period though watered by artificial means, it is because heat rather than moisture is wanted to promote their vegetation. It has been remarked, that in all probability the beautiful evergreen trees which constitute so pleasing a feature in the winter landscapes of Egypt, would become deciduous if transplanted into the colder climates of Europe. This conjecture is converted into certainty by what M. De Saint-Hilaire relates of the metamorphoses effected in the fruit trees of Europe when removed to Brazil. For a short period the peach tree, at Tijuco, is perfectly leafless; but the apple, the pear, and the quince trees, which renew their leaves at the same season as the peach, are never without foliage. This apparent anomaly is explained by M. De Saint-Hilaire. The difference, he observes, which at first appears extremely singular, is the result of the dissimilarity that exists between the buds of the peach, and those of the quince and apple tree. In the peach tree, in fact, the buds containing the blossoms, distinct from

those containing the leaves, appear first; in the quince and apple trees, on the contrary, the same buds contain both leaves and blossoms. The old foliage falls, and immediately the new buds appear, reclothing the trees before they are entirely bare. In the European fruit trees recently transported into Egypt, a similar process will probably take place; but sufficient time for observing the phenomena has not hitherto elapsed. Though in all respects evergreens, the sycamore, the rhamnus lotus, the palm tree, &c. by no means retain constantly the same clothing; but new leaves always putting forth before the old ones fall, their branches are never left entirely naked.

Near the capital of the Diamond District, M. De Saint-Hilaire was shown by the Intendant the only American antiquities which he beheld during his travels. These were certain rude figures of birds, single or in whimsical groups, traced upon the smooth face of a rock by the way side. On quitting Tijuco, by the road leading over the Serra da Lapa, he traversed a desolate region, fertile in savage bold scenery, resembling in many respects the more barren portions of the Valaisan Alps. No trace of cultivation is anywhere visible. Grey precipices present themselves to the eye on all sides, communicating a wild and sombre aspect to the landscape. Springs burst forth in a thousand places, and the traveller is frequently startled as he moves along, by the noise of water rushing over the rocks. The appearance of the vegetation often changes as you advance, according to the nature and elevation of the soil; large forests however are nowhere seen; but the hollows are clothed with low shrubs, interspersed in many places with stunted trees. Where the soil changes from sandy to red and clayish, the appearance of large ferns indicates the former existence of extensive forests, which are always succeeded by this plant. On approaching Villa do Principe, the nature of the ground and the features of the landscape become suddenly different; and the transition from bleak arid mountains, to hills and deep vallies covered with the traces of magnificent forests, is peculiarly delightful.

The rich woodland scenes, formerly scattered more abundantly than at present over the surface of Brazil, have been more or less ably described by several writers. M. De Saint-Hilaire, though not apt to be warmed into enthusiasm by the presence or recollection of beautiful landscapes, endeavours also to convey an idea of the emotions excited by the passage through these primæval woods.

Immediately after quitting Oculas, I entered among virgin forests, whose vegetation was exceedingly vigorous. The road was extremely narrow, and innumerable trees of different foliage formed

over-head a canopy impervious to the rays of the sun. Various species of liana, creeping from branch to branch, composed a sort of network on either side, and the roots of the *cipo d'imbé* descended like so many plumb-lines upon my head. In the silence of the forest, the *ferrador*, which I had not heard for several months, startled the echoes with its piercing notes, imitating with singular exactness the sounds produced by a smith using alternately the file and the hammer. As often as I traversed these primitive woods, after having been travelling for some time over the open country, I invariably experienced a feeling of profound admiration. It is there that nature unfolds all her grandeur; it is there that she seems to wanton in the variety of her productions; and, I cannot help observing with regret, splendid forests of this kind have been a thousand times destroyed without the slightest necessity.'—I. 106.

Dr. Walsh, in his amusing 'Notices,' has drawn a lively picture of the manners of the capital, to which his experience was chiefly confined. The French traveller, whose habits and pursuits were wholly dissimilar, though he also at various intervals enjoyed ample opportunities of studying the peculiarities of the inhabitants of Rio Janeiro, appears to prefer the ruder simplicity of the provinces. From the concurrent testimony of all travellers it must be concluded that in every part of Brazil,—but above all in the interior,—ignorance the most complete of whatever it especially concerns man to know, prevails. In morals and politics, it is not to be expected that any great proficiency should have been made. To this the united spirit of their religion and government is adverse. But in geography, in the common events of history,—even of the history of their own times,—they are so exceedingly ignorant that, according to Dr. Walsh, several persons of respectability with whom he conversed, supposed Napoleon to have been a rebellious Portuguese general, and the Mississippi a river of Great Britain. In the Catholic countries of Europe innumerable examples of gross superstition might readily be pointed out,—perhaps it might not even be necessary to have recourse to foreign experience in quest of such examples; but in Brazil, this moral darkness is infinitely more widely spread. A cross which M. Saint-Hilaire observed on the road-side, had been erected, as he learned from an inscription on its base, at the request or command of a number of unhappy souls, temporarily escaped from purgatory, who on that spot fluttered in the form of doves round the horse of a traveller, and expressed their desires in human voice. Hermits, saints, patients possessed by the devil, miracles, are things not uncommon in that part of the world. Wherever ignorance abounds, there imposture will always flourish. In fact it is a kind of hobgoblin, which like the

Old Man of the Sea in the Arabian Nights, rides on the shoulders of ignorance, grinning triumphantly the while at the imbecility which enables it to keep its seat.

Travellers sometimes appear to wonder at the credulous simplicity on which in Mohammedan countries the influence of santons, dervishes, anchorites, &c. is founded. But perhaps the Moslems of the East exhibit not, in their superstitious reverence for those individuals, a greater absence of good sense and of capacity to discriminate between conduct advantageous to society and such as if not absolutely injurious is at least not beneficial, than is observed in the good people of Brazil. In the gloomy wild recesses of the Serra da Piedade, where it would be natural to look for the wolf or the eagle, are found a number of those fantastic solitaries, as they term themselves, who delight to live in idle seclusion at the expense of the more industrious of their countrymen.

‘ On the summit of the Serra da Piedade, has been erected a chapel of considerable size, close to which, on both sides, are other buildings for the accommodation of the hermits of the mountain, and pilgrims whom devotion brings to the spot. All these edifices are of stone, and are not [in 1818] of above forty years standing. Opposite to the chapel are rocks in the midst of which have been set up crosses, to mark the stations where certain ceremonies are performed during the Holy Week. The hermits who inhabit this irregular kind of monastery are mere laymen, whose costume consists of a large hat and cassock, or black morning gown. At the period of my visit, there were only three of them; two very sprightly little mulattoes, and an old white man, at whose appearance I found it difficult to restrain my laughter, so quaint and fantastic did he seem with his rubicund face surmounted by an antique voluminous wig half eaten by the rats. The establishment of La Piedade possesses a *fazenda* and other lands, situated at the foot of the mountain; and it might be imagined that, like the ancient anchorites, these recluses devoted themselves to agriculture and the proper management of their possessions; but this is by no means the case; they find it more convenient to subsist on the charity of the public, and their *fazenda* merely serves them as an asylum when, on returning from their begging circuit, they do not feel disposed to toil up the mountain. Their labour, it must be confessed, would not have sufficed to provide for their maintenance and the expenses of the chapel; but those two young, healthy, and vigorous mulattoes should at least have endeavoured to make the most of their lands, and applied to the humanity of the faithful when their own resources failed.’—I. 138.

Deceived, like most other persons, by a respect for past ages, of whose vices and follies less is necessarily known than of our own, M. De Saint-Hilaire attributes to the ancient anchorites more estimable qualities perhaps than belonged to them. The

number of these privileged vagabonds is not, he observes, very great in Brazil; but their habits and character are not such as to render this matter of regret.

On the same mountain the traveller observed another example of the extraordinary effects of superstition among so rude and uncivilized a population. Similar tragi-comedies indeed, have been enacted in Europe, and at no very remote period; but they are not there of frequent occurrence, and may perhaps be regarded, when they appear, rather as the result of strange sudden epidemics, than of a permanent disorder in the constitution of men's minds. The *speciosa miracula* operated by animal magnetism in France are susceptible of easy explanation; having been in fact nothing more than a voluptuous jugglery, set on foot and carried on for very intelligible purposes. In Brazil, the case of Sister Germaine may be traced to a different source. It affords a striking illustration of the arts by which the priesthood in ignorant and enslaved nations maintain their influence over the minds of the vulgar.

On the Serra da Piedade, I saw a woman of whom I had heard much in the *comarcas* of Sabará and Villa Rica. Sister Germaine, the woman in question, was attacked, in about 1808, by a hysterical affection, accompanied by violent convulsions. She was at first exorcised; remedies mal-adapted to her complaint were made use of, and her condition degenerated from bad to worse. At length, at the period of my visit, she had been for a long time reduced to so extreme a state of weakness, that she was no longer able to rise from her bed, and subsisted upon a regimen which would scarcely have supported the life of a new-born infant. Animal food, rich soups and gravies, her stomach was no longer in a condition to receive. Sweetmeats, cheese, a little bread or flour, constituted the whole of her food; frequently she was unable to retain what she had taken; and it was almost always necessary to use considerable persuasion to decide her to eat at all.

It was on all hands admitted, that the manners of Germaine had always been pure, her conduct irreproachable. During the progress of her disorder, her devotion had daily assumed a more enthusiastic character. Fridays and Saturdays she fasted entirely; at first, indeed, her mother opposed this practice; but when Germaine declared that, during those two days, it was utterly impossible for her to take any nourishment, she was allowed to have her own way, and accordingly submitted, on those occasions, to total abstinence. In order to indulge her devotion for the Virgin, she caused herself to be transported to the Serra da Piedade, where there is a chapel erected under the auspices of Our Lady of Pity, and she obtained from her spiritual director permission to remain in this asylum. In this retreat, meditating one day on the mystery of the passion, she fell into a kind of ecstasy; her arms grew stiff and were extended in the form of a cross; her feet

were disposed in the same attitude ; and in this position she remained during forty-eight hours. This was four years ago ; and ever afterwards the phenomenon was weekly repeated. She relapsed into her ecstatic attitude on Thursday or Friday night, and continued in a sort of trance until Saturday evening, or Sunday, without receiving the slightest nourishment, without speech or movement.'

'The rumour of this phenomenon quickly spread through the neighbourhood ; thousands of persons of all ranks crowded to behold it ; it was declared to be a miracle ; Sister Germaine was regarded as a Saint, and two surgeons of the province communicated an additional impulse to the veneration of the people by declaring, in a written document, that her situation was supernatural. This declaration remained in manuscript ; but was widely circulated, and numerous copies of it were taken. Dr. Gomide, an able physician educated at Edinburgh, thought it necessary to refute the declaration of the two surgeons ; and in 1814 published at Rio de Janeiro (but without his name) a small pamphlet, replete with science and logic, in which he proves, by a multitude of authorities, that the ecstasies of Germaine were merely the effects of catalepsy. In this pamphlet, endeavouring to explain the periodical recurrence of Sister Germaine's ecstasies, Dr. Gomide relates the following fact, which deserves to be repeated, "A farmer in the environs of Caeté had a number of mules which he every Saturday employed in transporting provisions to the city. These animals, feeding at liberty in the meadows, according to custom, came invariably morning and evening to the house, in search of the rations of maize which were distributed to them at those times. On Saturday however, the only day in the week on which they were called upon to labour, not only did they abstain from presenting themselves in the morning at the accustomed hour, but made their escape moreover, and concealed themselves in the country."

'The public was now divided in opinion ; but crowds of people still continued to ascend the Serra, to admire the prodigy operated there. Nevertheless, Father Cypriano da Santissima Trindade, the late bishop of Marianna, a prudent enlightened man, sensible of the inconveniences which might arise from the numerous assemblies collected by Sister Germaine upon the mountain, and desirous of discrediting the pretended miracle, from which there resulted at least as much scandal as edification, prohibited the celebration of mass at La Piedade, under pretence that permission had never been obtained from the king. Many persons offered Germaine an asylum in their houses ; but she gave the preference to her confessor, a grave middle-aged man, who resided in the vicinity of the mountain. The devotees were greatly afflicted at the prohibition of the bishop of Marianna ; but they did not sleep ; they solicited from the king himself permission to celebrate mass in the chapel of the Serra, and it was granted them. Germaine was now transported a second time to the summit of the mountain ; her confessor occasionally ascended thither for the celebration of mass ; and the concourse of pilgrims and curious persons was weekly renewed.'

'A short time previous to my visit, a new prodigy began to manifest

itself. Every Tuesday she experienced an ecstasy of several hours; her arms quitted their natural position, and assumed the figure of a cross behind her back. In the course of my conversation with her confessor, he told me that, for some time, he was unable to explain this phenomenon, until he at length recollected that on this day it was customary to propose to the meditation of the faithful the sufferings of Christ bound. The disinterestedness and clarity of this priest had been described to me in glowing colours. I had a long conversation with him, and found him a person not altogether destitute of education. He spoke of his penitent without enthusiasm; professed to desire that enlightened men should study her condition; and almost the only reproach he uttered against Dr. Gomide was, that he had written his book without having seen the holy woman. If what this priest related to me of the ascendancy he possessed over Germaine be not exaggerated, the partisans of animal magnetism would probably derive from it strong arguments in support of their system. He in fact assured me that in the midst of the most fearful convulsions, it was always sufficient for him to touch the patient to restore her to perfect tranquillity. During her periodical ecstasies, when her limbs were so stiff that ~~it~~ would have been easier to break than bend them, her confessor, according to his own account, had only to touch her arm, in order to give it whatever position he thought proper. However this may be, it is certain that having commanded her to receive the sacrament, during one of these ecstatic trances, she rose with a convulsive movement from the bed on which she had been carried to the church, and kneeling down, with her arms crossed, received the consecrated wafer; since which time she has always communicated during her ecstasies. At the same time, her confessor spoke with extreme simplicity of his empire over the pretended Saint; attributed it wholly to her docility and veneration for the sacerdotal character; and added, that any other priest would have been able to produce the same effects. With all that confidence which the magnetisers require in their adepts, he observed, that so complete is the obedience of the poor girl, that, should I command her to abstain from food during a whole week, she would not hesitate to comply. He was also persuaded, that she would have suffered no inconvenience from the experiment; but added, "I fear I should be tempting God by making it."

'I requested permission to see Germaine, and was conducted into the small chamber where she constantly reclined. Her countenance was visible, though partly overshadowed by a large handkerchief which projected over her forehead; she appeared to be about thirty-four years of age, and in fact this was the age attributed to her. Her physiognomy was mild and agreeable, but indicative of extreme emaciation and debility. I inquired respecting her health, and she replied in an exceedingly feeble voice that it was much better than she deserved. I felt her pulse, and was surprised to find it very rapid.'

'On the following Friday I again visited Germaine. She was in bed, stretched upon her back, with her head enveloped in a hand-

kerchief, and her arms extended in the form of a cross ; one of them was prevented by the wall from occupying its proper position, the other projected beyond the bed-side, and was supported by a stool. Her hand felt extremely cold, the thumb and forefinger were extended, but the other fingers were bent, the knees drawn up, and the feet placed over each other. In this position she was perfectly immoveable ; and her pulse being scarcely perceptible, she might have been taken for a corpse, if the rise and fall of the bosom in the act of respiration, had not indicated the presence of life. I several times attempted to bend her arms, but without success ; the rigidity of the muscles increased in proportion to my efforts, which could not have been more violent without inconvenience to the patient. Certainly, I more than once closed her hands ; but on releasing the fingers they resumed their former position. Germaine's sister, who generally attended her and was then present, informed me that she was not always so calm during her ecstasies, as on that occasion ; that her arms and feet indeed, constantly remained immoveable, but that she frequently uttered sighs and groans, struck her head against the pillow with rapidity, the convulsive movements being most violent about three o'clock, the moment at which Jesus Christ expired. *Vol. I. 142.*

It was M. De Saint-Hilaire's intention, on ascending the Serra, to try the effect of animal magnetism upon Germaine during her ecstasies ; but for this purpose it would have been necessary to have been left alone with her, and this the pious crowds, attracted thither by the fame of her extraordinary trances, would not permit. Nevertheless, having some little taste for juggling, he endeavoured, notwithstanding the presence of several witnesses, to do all he could. His account of what took place is perfectly serious. It is in fact evident he was not wholly without faith in magnetism. Pretending to observe her pulse, he placed his left hand over hers, and bringing his mind into the particular frame required by the magnetisers,—and described by Sterne, when he felt the grisette's pulse in the glove-shop,—he practised the usual mummery without effect. However, to preserve the credit of magnetism, he judiciously observes that his attention was perpetually diverted from the matter in hand by the presence and conversation of the company. Subsequently, as is learned from Spix and Martius, the authorities found it necessary to remove the Saint from her mountain residence ; shortly after which, death came to the relief of poor Sister Germaine, and put a period to her sufferings.

From the circumstances attending this transaction some insight may be obtained into the character of the Brazilians, whose ignorance, credulity, and superstition exceed belief. But their domestic economy, farming, and the treatment of their slaves complete the picture. One estimable quality, how-

ever, they very generally possess ; they are hospitable to travellers, and season their cordial reception of the wayfaring stranger with a politeness so unaffected, that, though at variance with so many practices prevailing among them, it is impossible not to derive from it an inference favourable to their natural character. When contrasted, moreover, with the generality of their countrymen recently arrived from Europe, they appear to some advantage. The latter, from the sketches which M. De Saint-Hilaire has given of them, seem to be distinguished no less by coarseness of manners and want of respect for travellers, than by a degree of ignorance scarcely credible. As a specimen of their rudeness, the author relates that, on presenting to a respectable merchant a letter of introduction from a mercantile house at Rio Janeiro, he found him stretched out at his ease upon the counter. Without showing him the slightest civility, or making the most ordinary proffers of service, he maintained his position on the counter, while he caused the letter to be read to him. For this inhospitable conduct, M. De Saint-Hilaire endeavours to account in the following manner.—

‘ The Portuguese merchants, established in those parts of Brazil through which I have travelled, are generally persons of a very inferior class, who commenced business without capital, and in many cases know neither how to read nor write. While the Brazilians heedlessly dissipate what they possess, these Europeans attend to the minutest sources of profit, and condemn themselves to every kind of privation in order to acquire wealth. Their first step is to purchase a negress, who becomes at once their cook, mistress, washerwoman, housemaid, and bearer of wood and water,—tasks which in general the Brazilians impose on their male slaves. In this way they arrive at opulence, but still preserve in the midst of their prosperous circumstances, all the original grossness and vulgarity of their manners, to which the most insupportable pride and contempt for the natives of the country to whom they owe their riches, is commonly superadded.’
—I. 259.

To the botanist, the merchant, and the agriculturist, the work of M. De Saint-Hilaire possesses more than ordinary interest. His remarks on the cultivation of the cotton plant, the soil which best suits this branch of rural economy, and the numerous impediments which oppose themselves in Brazil to the improvement of its produce, are worthy the attention of our countrymen in the East ; who, in this particular, have shown much less perseverance and wisdom than Mohammed Ali. On the culture of the sugar cane perhaps, and several other points of tropical husbandry, the traveller might learn from the English ; but all his remarks on these and similar subjects are the fruit of patient in-

quity, and even when destitute of novelty, deserve to be examined and regarded with respect.

ART. III.—*Rotuli Litterarum Clausarum in Turri Londinensi asservati.*
 Accurante Thoma Duffus Hardy, è Soc. Int. Templ. S.A.S. Vol.
 I. fol.—Lond. 1833. Printed by Command of His Majesty King
 William IV., under the direction of the Commissioners on the
 Public Records of the Kingdom.

MR. HUME, by the introduction of a Motion during a late Session of Parliament, attempted preparatory measures for procuring a building suitably spacious and commodious, as a place of assembling for the Commons Representatives. To defend the present structure as rendering sufficient accommodation, was impossible, and indisputable evidence proved its excessive unfitness, and especially during discussions of much public interest. Yet the Motion was negatived on several idle pretexts. Any removal was designated by that term of most indefinite import—unconstitutional; and it was argued that the affectionate regard universally entertained towards St. Stephen's Chapel, as a spot consecrated by historical associations, and hallowed by ancient parliamentary usage, would be thereby uprooted. 'Constitutional,' as thus applied, may be interpreted to signify accordant with ancient precedent. Waiving all other reasons, therefore, the present object will be to establish how entirely unconstitutional are successive parliamentary meetings in the same locality, and the present duration of Parliaments, when compared with those of past times;—and from collateral evidence to show, that even the size of the present building is directly opposed to the spirit of the institutions of wise antiquity.

In the thirteenth century, a Parliamentary debate was carried on more by the eloquence of the fist than of the tongue. The *argumentum baculinum* was the popular argument, and the fictitious value which civilization attaches to words, was very consistently despised. Satisfactory conviction resulted from the cogency of blows. Sir James Macintosh penetrates into the spirit of the legislation of Edward I in observing, 'it would have been but little to possess the power of the purse, if arms had not been strong enough to grasp and to hold it.' The processes and machinery of legislation in those early periods, whose wisdom shaped the models to which the Constitution still professes with religious scruples to adhere, must of necessity have differed widely from those pursued in modern assemblies.

As might alone would enable its possessor to assert his title

to a seat in an olden Parliament, ample elbow-room for the exercise of legislative functions was required and demanded; and barbarous as the manners of Members of Parliament must have been in those days, there could never have existed that patient endurance of crowding and mobbing, of which our own times furnish examples in theatres patent and ecclesiastical,—bear-gardens and Houses of Commons. Indeed to have boxed up an early Parliament in a space not sufficiently capacious to hold half the numbers invited;—to have thereby subjected such Senators as were cooped up, to strong predisposition to typhus fever;—and under those circumstances, to have attempted to express from the assembly its deliberative wisdom, would have been deemed an experiment insulting in the highest degree to a bold Baron of Runymede, and one which no monarch,—not even that pattern of jurisprudential acquirements the Justinian Edward,—would have dared to repeat. It is impossible, that the question whether a man's body could find a position in a locality whereunto it had been specially summoned, should have been left doubtful at any other period than one of most peaceful refinement and exquisite civilization; during primitive ages, such a question would never have been conceived. Let imagination picture the possibility of smuggling six hundred sturdy Barons, Knights, Citizens, and Burgesses, during the time of Edward I, into a space of like dimensions to those of St. Stephen's Chapel. The manifest absurdity, constrains to the belief in the existence of some hidden and mysterious influence, which conquers any supposed reluctance in Members of the House of Commons, to perform their public duties in an atmosphere of singular destructiveness, and vapours of noxiousness in every variety, from the gouty decrepitude of metropolitan courtiers, to the hale freshness of fox-hunting country squires*.

* Mr. Hume stated, from his own observation, that several members had fallen a sacrifice to the discharge of their duties in that inconvenient and ill-ventilated place. In the Black Hole of Calcutta, a cube of about 18 feet, were crammed 146 wretches, of whom 123 persons perished. The House of Commons measures 49 feet by 33 feet; and on frequent occasions above 600 persons demand admission.

According to these data, a man in the Black Hole of Calcutta had 18 inches square to stand upon; a Member of the House of Commons, in a House of 600 out of 658, has not quite 19½.

'It has been often observed, that persons from jails, work-houses, and other places of artificial confinement, though not at the time, and what is still more remarkable, though not observed at any period to have laboured under formal disease, carry in themselves or in their clothes causes which occasion fever in its most formidable aspect to those who

A remarkable contrast exists between the Parliament of ancient and modern times, in respect of the difficulties to which the sovereign was driven in collecting the members together,—the apologies which were offered in excuse of the necessity of requesting the subjects attendance,—the waywardness and menacings of the lieges,—the numerous compromises and conditions made between the king and the subject,—the Christian squabbling of the Archbishops of Canterbury and York, respecting each other's precedence, 'super bajulatione Crucis *,' for it appears neither prelate would attend Parliament without the King's letters of protection against the attacks and assaults and depredations of each other,—the personal composition of the Parliament, formed as it was of churchmen and laymen militant,—'great men' of the Jonathan Wild class,—archbishops, bishops, abbots, priors, as well as justices and clerks of the council, eails, barons, knights of the shire, citizens, burgesses, and even, on some occasions, merchants and traders,—and the debates and general proceedings. In one point only, the performances of old and modern Parliaments, bear that very general similitude to each other, which Stowe thus describes of a Parliament of Richard the Second;—'Nothing,' he says, 'was done worth the memory, but exacting of money of the clergy and common people, to maintain the men of war.'

'Great tax ay the Kyng toke through al the lond,
For which the Commons him hated both fre and bond.'

The perpetual holding of Parliaments in the same place, as

approach near to them . . . It is to be farther observed, that the cause thus generated speedily produces a fever in the body of a healthy man, and that the fever so produced is accompanied with such alterations in the secretions of the system, as to generate a cause, occasioning similar disease, through an endless variety of subjects.'—*Outline of the History and Cure of Fever, by Robert Jackson, M. D.* Edinburgh. 1798.

* When an archbishop travelled, a cross or crossier was borne before him, as a type of his precedence over all the other clergy. Great jealousy always was created by one prelate passing through his rival's archbishopric, insomuch that it became necessary for each archbishop to obtain a passport from the King. When the archbishop of Canterbury was summoned to parliament at York, 8 Edw. II, the King issued his Letters of Protection in which occurs the following recital;—'Jamque intellexerimus quod occasione dissensionum inter predecessores ipsius Archiepiscopi Cantuariensis et vestros super bajulatione Crucis utriusque ipsorum, in alterius provinciâ ab olim subortarum et nondum sedatarum, ad impediendum præfatum Archiepiscopum Cantuariensem ad prædictum parliamentum de mandato nostro sic venientem super bajulatione Crucis suæ et aliis, infra provinciam vestram Ebor. diversas insidias præparastis,—graves censuras ecclesiasticas fulminastis.'—*Ræ. Claus. 8 Ed. II.*

well as the insufficiency of accommodation, are both of them unconstitutional innovations, and opposed to ancient usage. Parliament held its meetings in all the four quarters of England, and the moral associations of those who stick to St. Stephen's Chapel can therefore only be the results of ignorant prejudice, and of a tendency in reality quite anti-conservative. Annual Parliaments, in *lieux convenables* in all parts of the kingdom, are, if it comes to that, in strict accordance with the models afforded by our ancestors; and the popular demands for the same are supported by the Parliamentary Records whereunto is professedly pinned the political faith of those who oppose such a return to constitutional propriety*.

There is a broad difference between the desires of ancient and modern times for a seat in the Legislature. Formerly, the attendance was considered an irksome business, and a nuisance to be avoided. The strong, the cunning, and the weak, devised respective methods to ease themselves of the troublesome duty. In modern times, a seat in Parliament has been an object inordinately coveted, and for its attainment human ingenuity has been taxed. The post held forth so many attractions, and was a tenure so lucrative, that each or all of the ten commandments were cheerfully sacrificed for the possession. Parliaments have at all periods yielded to the people nearly equal advantages. The King, as the most mighty, monopolized all the sweets, until a competitor for a share in the plunder of the nation grew into sufficient importance to assert and maintain a demand; and then the aristocracy and the 'dignity of the Crown' divided the spoils. The position of the Sovereign amongst the magnates, was that of a Pacha among his minor governors; he pinched to the utmost from all in subjection, and all were in subjection in various degrees. The lesser oligarch had not discovered the modern practice of rewarding his own parliamentary labours out of the plump productiveness of the people, and consequently the attendance was to him, and to all except the Sovereign, a burthensome and unprofitable evil. The earls and barons occasionally refused attendance, or rendered their appearance so unwelcome by approaching in fighting attitudes, that the King not unfrequently declined the honour of their visit and advice, or stipulated that their coming should be unaccompanied with

* In a Parliament Roll of Edward II, it is stipulated, that the King should hold a Parliament once every year, or even twice if necessary, and that in a convenient place. 'Que le Roi tiegne Parlement une foiz par an ou deux foiz si mestier soit, et eco en lieu convenable.'—*Rot. Parl.* vol. i. p. 285.

warlike preparations. The Records of Edward the Second furnish many examples of such prohibitions*. 'In 1321 the barons,' says Holinshed, 'upon knowledge had what answer the King made to their requests, forthwith got them to armour and with a great power of men of armes and othei, came to the parlement, which the King had summoned to begin at Westminster thre weekes after midsummer. Their retinue were apparelled in a sute of jakets or coats, of colours demi-partie yellow and greene, with a band of white cast overthwart. By reason whereof, that parlement long after was called the parlement of white bands.....The King being brought into a streit, durst not but grant unto all that which they requested, establishing the same by statute.'

The clergy pleaded all sorts of excuse for non-attendance, sickness, fatness, gout, incapacity to ride on horseback or in a litter, bodily infirmity, age, and domestic affairs †.

* *Inhibitio pro Rege ne Magnates veniant cum armis ad parlamentum.* (*Rot. Patent*, 3 Ed. II, et passim).—The legislators were very intractable, usurping supreme power, as opportunity offered for the assertion of the superiority of their might.—

'To the Kyng and his Consaile thei sent a messengere
The Kyng sent tham ageyn, his Barons alle thei grette,
At Oxenford certeyn the day of parlement sette.

'At York thei tok on hand, ther parlement to sette,
The hie folk of the land, ther alle togidere mette,
The Erle Jon of Surrey, com with grete powere,
Of Gloucestre stoute and eay Sir Rauf the Mohermere,
And his wif dame Jane whilcom Gylberdes of Clare,
Tho Banerettes ilkone fro Dover to Durham ware'
Peter Langtuff's Chronicle.

'At the parliament then at Westminster next hold,
Erle Thoma, that then was called trewe,
Th'erle Umfrey of Herford, that was bold,
Th'erle of Marche, ful manly as men knewe,
The Mowbray also Percy and Glyfford drewe
All armed came, and two Spencers exiled
Out fro England, never to be reconciled.

'And at London they heeded the Chaunceler
With diuers other, whiche they found untrue',
So dyd they also the Kyng's treasurer,
And there set they a parliament all newe.'
Hardyng's Chronicle, Ed. 2.

† The following clergy thus excused themselves from attendance in the 17th of Edward II. The bishop of Bangor, — '*Quia nostri corporis inbecillitate hiis diebus, ut novit Altissimus, aliisque rationabilibus excusis præpediti in parlamento personaliter interesse non valeamus.* The

If the king or his chancellor failed at any time to send a summons, such an omission was eagerly seized as a plea for future absence. The abbot of Peterborough once shirked the obligation without detection, and when subsequently summoned, urged his non-attendance as a precedent. The service was equally avoided and despised by the 'communitas' of the kingdom. Every knight of the shire, citizen, and burgess, was compelled to provide good and sufficient bail for his appearance in Parliament, which was effected by procuring the manucaption, sometimes of six, sometimes of four, and never less than two persons. Property was, as now, the only direct and acknowledged qualification for legislative capacity. Three hundred pounds per annum is even yet believed to possess a mystical property of endowing the holder with all mental requisites for his duty, while in the thirteenth century the average qualification of a knight of the shire varied from 20*l.* to 40*l.* yearly value in land. The object of selecting the man of money, at that time, was evidently with the intent of seizing it in case of non-attendance. Twenty pounds were then a qualification for being taxed. Three hundred, now, for a qualification to tax. If a knight so chosen to serve in Parliament, chanced to lack property to the amount of 20*l.* whereby he could be distrained, and being thus impervious to the sanction attached to refusal, escaped from the jurisdiction of the sheriff's bailiwick and hid him to another county, the sheriff was obliged to seek a substitute in the place of the fugitive to attend the King's council. If the sheriffs were knavish, and pocketed the sum of money levied from the county for the travelling expenses of its members,—and many such instances are found,—the circumstance became immedi-

bishop of Carlisle,—*'Ad dictum parliamentum tum propter loci distanciam, tum propter equitaturæ et expensarum carentiam, corporis senescentis impotentiam, necnon infirmitatem in dies invalescentem quibus actualiter affligimur, declinare non possumus in præsentem ex causis præviis veraciter præpediti, quod si placet pro malo non habeat aut molestum reputet regia celsitudo, sed nostram potius absentiam habere dignetur benignius excusatam.'* The prior of Durham,—*'Propter adversæ valetudinis incommodum quæ jam aliquandiu laboravimus, nequientes nostram exhibere præsentiam personalem.'* The prior of Carlisle,—*'Quia variis et arduis ecclesiæ nostræ negociis, ac aliis causis propter varias nostras distractiones et notorias in instanti parlamento personaliter interesse non valemus.'*—The abbot of Barlings,—*'Quoniam gravi infirmitate et corporis imbecillitate detentus.'* The abbot of Cirencester,—*'Absque gravi corporis mei periculo non valeo personaliter interesse;'* and many other excuses of similar description from other persons. In the 18th Edward II, the bishop of Bangor prayed absence,—*'Quia nos in hiis diebus corporis nostri inbecillitate ac ponderositate.'*—*Vide, the proxies of the clergy for these years, which are printed in the 2nd vol. of the Parliamentary Writs.*

ately available as an excuse for absence. The Scots had a propensity for paying visits to the boroughs and towns of the northern counties, where they borrowed goods and chattels, domesticated themselves on the lands, and consumed the produce. These visits always served as good excuses for not sending representatives to Parliament. The burgesses of Newcastle often *pleaded their poverty and inability, the consequences of these visits, to pay the expenses of their members journey*.

By the enticement of wages,—those of a knight being usually from five to three shillings per diem, and those of a citizen or burgess from three to two shillings †,—the bestowal of lucrative

* Return of the Sheriff to a Writ of the 8 Ed. II. for Northumberland is as follows.—

‘Istud breve ostensum fuit in pleno Comitatu, ubi responsum fuit michi quod omnes milites de ballivâ meâ non sufficiunt ad defensionem Marchiæ: et mandatum fuit Ballivis libertatis Villæ Novi Castri super Tynam, qui sic responderunt quod omnes Burgenses Villæ predictæ vix sufficiunt ad defensionem Villæ ejusdem, et ideo quoad executionem istius brevis nichil actum est.’—Orig. in Turr. Lond.

Anno 24 Ed. I. Returns of the Sheriff of Westmorland,—‘Attamen isti ad diem in brevi contentum non possunt venire quia omnes inter quindecim annos et sexaginta in ballivâ meâ, tam Milites, libere tenentes quam pedites, præmuniti sunt quod sint eorûm Dômnis Episcopo et J. Colnite Waren, et eorum locumtenentibus apud pontem de Amot die veneris proximo ante festum Sancti Andreæ Apostoli sub forisfacturâ vitæ membrorum terrarum tenementorum et omnium bonorum suorum ad audiendum et faciendum id quod eis ex parte Domini Regis injungetur.’—p. 44, 31.

Anno 34 Ed. I. ‘Et sic tardè [*was the writ delivered*] quoddam executio istius brevis ad præsens fieri non potuit. Et nihilominus omnes Milites et liberè tenentes sunt in Marchiâ Scotiæ cum Domino Henrico de Percy per præceptum Domini Regis ad reprimendam maliciam Scottorum.’

† E Rotulo Clausarum in Turri Londinensi asservato, A°. 19 Ed. II. memb: 19 d.

‘De expensis } Rex Vicecomiti Northumberlandiæ: Præcipimus tibi quod Militum } de Communitate Comitatus tui tam infra libertates quam extra habere facias dilecto nobis Michaeli de Preffen nuper de mandato nostro pro communitate Comitatus predicti ad parliamentum nostrum usque Westmonasterium venienti ad tractandum ibidem super diversis et arduis negociis nos et statum regni nostri tangentibus *tres libras et decem et octo solidos* pro expensis suis *pro viginti et sex diebus* veniendo ad dictum parliamentum, ibidem morando, et exinde ad propria redeundo videlicet per diem *tres solidos*. Teste Reg. apud Westmonasterium, quinto die Decembris.’
Per ipsum Regem.

“ Consimilia brevia habent subscripti Vicecomitibus subscriptis, videlicet:—

“ Robertus de Barton } Vicecomiti Westmorlandiæ de *septem libris &*
“ Robertus de Sandford } *sedecim solidis, pro xxvi diebus* cuilibet eorûm
“ per diem *iii solidos*.

appointments to collectorships of talliages and customs, and to the conservation of the peace,—the King managed to convene an assembly of the Commons of the kingdom.

“Willielmus de Bradeshagh, Miles } Vicecomiti Lancastrie de *septem*
 “Johannes de Hornby } *libris et quatuordecim solidis* pro
viginti et duobus diebus, videlicet prefato Militi per diem *iii* solidos
 et prefato Johanni per diem *iii* solidos.

“Rogerus le Jeu, Miles } Vicecomiti Devonie de *octo libris et octo*
 “Ricardus de Chissebech } *solidis* pro *viginti et quatuor diebus*, videlicet
 prefato Militi per diem *quatuor solidos* et prefato Ricardo per diem
TRES SOLIDOS.

“Johannes de Lyston } Milites Vicecomiti Essexie de *centum et duo-*
 “Robertus de Hagham } *decim solidis* pro *quatuordecim diebus*, cuilibet
 eorum per diem *quatuor solidos*.

“Ricardus de la Bere, Miles } In Comitatu Oxonie de *centum et duodecim*
 “Johannes de Croxford } *solidis* pro *secedecim diebus*, videlicet pre-
 fato Ricardo per diem *quatuor solidos*, et prefato Johanni per diem
TRES SOLIDOS.

“Michael de Picombe } In Comitatu Sussexie, de *quatuor libris et sex*
 “Willielmus de Preston } *decim solidis* pro *secedecim diebus*, cuilibet eorum
 per diem *TRES SOLIDOS*.

“Johannes de Walkyngham } Milites, Vicecomiti Eborum de *octo libris*
 “Willielmus de Malbys } et *secedecim solidis* pro *viginti et duobus*
[diebus] cuilibet eorum per diem *quatuor solidos*.

“Ricardus de Manston, Miles } Vicecomiti Dorset’ de *septem libris* pro
 “Robertus Clerebeck’ } *viginti diebus*, videlicet prefato Militi
 per diem *quatuor solidos*, et prefato Roberto per diem *TRES SOLIDOS*.

The Knights for other Counties obtained their expenses. The above extracts show sufficiently the nature of the writ.

“E Rotulo Claus’ in Turre Londinensi asservato. A^o. 1 Ed. 3. p. 1. m^o. 15 d.

De Expensis } Rex Vicecomiti Northfolcie salutem. Præcipimus tibi quod
 Militum } de Communitate Comitatus tui tum infra libertates quam
 extra habere facias dilectis et fidelibus nostris Roberto Banyard et Con-
 stantino de Mortuo Mari Militibus Comitatus illius nuper ad parliamentum
 nostrum apud Westmonasterium in Crasino Epiphaniæ Domini proximo
 præterito summonitum pro Communitate Comitatus prædicti venientibus
 ad tractandum ibidem super diversis et arduis negociis nos et statum regni
 nostri tangentibus, *viginti et octo libras et octo solidos* pro expensis suis
 veniendo ad parliamentum prædictum, ibidem morando, et exinde ad pro-
 pria redeundo, videlicet pro sexaginta et undecim diebus utroque præ-
 dictorum Roberti et Constantini capiente per diem *quatuor solidos*.
 Teste Rege apud Westmonasterium, nono die Martii.

Per ipsum Regem et consilium.

“Eodem modo mandatum est Vicecomitibus subscriptis videlicet :

“Vicecomiti Bedfordie pro Hugone Bossard et Johanne Morice Militibus
 de *xvi libris* pro *lxx diebus* etc. ut supra. Teste Rege apud West-
 monasterium nono die Martii.

“Vicecomiti Middlesexie pro Rogero de Brok’ et Henrico de Frowyk’
 Militibus etc. de *viginti et quinque libris et quatuor solidis* pro sexaginta
 et tribus diebus [etc. ut supra]. Teste ut supra.

It may be assumed with the greatest confidence, that no impediments of any description were offered to deter the people's representatives from appearing and undergoing taxation. On the contrary, all inducements were held out. They were clothed; feasted, and sumptuously entertained during the sitting of Parliament*. They were not unwholesomely packed in a space

"Pro Expensis Rex Ballivis Civitatis Rossensis salutem: Præcipimus vobis, Civium } quod de Communitate Civitatis prædictæ habere faciatis dilectis nobis Ade Bride et Rogero Chaundler Civibus Civitatis prædictæ nuper ad parliamentum nostrum apud Westmonasterium in Crastino Epiphaniæ Domini proximo præterito summonitum pro Communitate Civitatis prædictæ venientibus ad tractandum ibidem super diversis et arduis negociis nos et statum regni nostri tangentibus *decem libras et octo solidos* pro expensis suis, veniendo ad parliamentum prædictum, ibidem morando, et exinde ad propria redeundo, videlicet pro *quingenta et duobus* diebus utroque prædictorum Adæ et Rogeri capiente per diem **DUOS SOLIDOS**. Teste Rege apud Westmonasterium vicesimo tertio die Februarii.

Per ipsum Regem et consilium.

"Eodem modo mandatum est subscriptis pro subscriptis, videlicet:

- "Majori et Ballivis Civitatis Ebor: pro Willielmo de Redensse et Henrico de Bolton Civibus etc. de *quatuordecim libris et duodecim solidis pro septuaginta et tribus diebus* etc. ut supra. Teste Rege apud Westmonasterium, nono die Martii.
- "Ballivis villæ Bedfordiæ pro Hugone Balle et Hugone Cok' Burgensibus etc. de *decem libris pro quingenta diebus* etc. ut supra. Teste Rege apud Westmonasterium, vicesimo tertio die Februarii.
- "Ballivis villæ Huntingdoniæ pro Willielmo de Hemmyford et Johanne Fyn Burgensibus etc. de *decem libris et octo solidis pro quingenta et duobus diebus* etc. ut supra. Teste ut supra.
- "Ballivis villæ de Launceveton pro Johanne de Lanhum et Roberto de Penleu [Burgensibus etc.] de *duodecim libris pro sexaginta diebus* etc. ut supra. Teste ut supra.

* Many original Records, in the form of indentures between the King and his creditors for the expenses of Parliament, have come to light from amongst *four thousand bushels* of Records belonging to the Office of the King's Remembrancer of the Exchequer, which have been lately discovered in indescribable confusion, embracing all periods from Richard I to George IV, although there have existed a Keeper and thirty-two clerks to whose custody they were entrusted, and also during thirty years a Commission expressly to inquire into the state of the public Records. These indentures contain lists of the species and quantities and prices of the provisions furnished. The King addressed his writ to the sheriffs, directing them to make purveyance of victual,—of heeves, sheep, swine, corn, &c.,—to erect temporary buildings, houses of lodgement, kitchens, and other offices,—and to make general preparation for the reception of Parliament. The payment was frequently allowed out of the taxations, before they were paid into the Exchequer.

Extract from Original Record in the Exchequer:—

- "A° 31 Ed. I. Debentur super Officio Mgri. schalcie in parlamento Regis apud Westmonasterium

CXXIII. l. xix. viii d.

of 49 feet by 33. An insurance against the inconveniences of limited space was always in their own hands; for the knights appeared 'cum gladio cincti,' or else armed with 'battes.*'

There could have been little freedom of debate in an assembly of such armed legislators. The philosophy, coolness, exquisite manners and reverence for the important duties, which so distinguish present parliamentary consultations, must have been wholly absent from their councils. On one occasion the Commons, forgetting the solemn purposes of their assembling, became so riotous and created so great a turmoil, that the Abbot of Westminster, who in 1377 had granted the use of the Chapter House adjoining the Poet's Corner of Westminster Abbey as their place of meeting, waxed indignant at the profanation, and collecting a sufficiently strong party, turned the whole legislative wisdom out of his house, and swore lustily that the place should not again be defiled with a like rabble †.

"Item debentur pro expensis hospicii Regis in parlamento diversis piscatoribus de Marisco et aliunde	III xlii. iiii s. iiii d. o.
"Item debentur diversis Carnificibus Londonensibus pro carnibus ab eisdem emptis tempore parlamenti	xxviii h. vi s. viii d.
"Item debentur pro puletriâ [poultry] eodem tempore	Cl h. vi s. vi d.
"Item super officio Scutiferorum de eodem tempore	Cxxi h. iiii s. vi d.
"Item super officio Salarie de eodem tempore	xx h. v s. viii d.
"Item super officio Aulae de eodem tempore	xlvi h. vi s. ix d. o.
"Item super officio Camere de eodem tempore	xxxii h. iiii s. viii d.
"Summa debita super expensis hospicii Regis in parlamento	CCCC III xli h. xv s.

* The writs of summons of Edw. III, expressly enjoined the appearance of the Knights of the Shires girded with swords.

A.D. 1426. A^o 5 Hen. VI. 'This was called the Parliament of Battes, because men being forbidden to bring swords or other weapons, brought great battes and staves on their neckes, and when those weapons were inhibited them, they tooke stones and ploverets of lead.'—*Stone*.

† Sir James Mackintosh characterizes such a House of Commons, 'as being strong, not only by their legal power, but by their moral influence;' and, fortunately, there is here an excellent illustration of the historian's position.—

'In this parlement (27 Edw. III.) there were statutes also made that clothes should in length and in breadth through the realme beare the same assise, as was ordeined in the parlement holden at Northampton. Also, that all weares, milles, and other lets, should be removed forth of rivers, that might be any hinderance of ships, boats, or lighters to passe up and downe the same. But these good ordinances tooke little or none

In the 11th year of Richard the Second's reign, Stowe relates, that 'the King caused a great and generall parliament to be summoned at Westminster, where hee caused a great Hall to be builded in the midst of the Pallace betwixt the Clocke Tower and the doore of the Great Hall . . . To this parliament, all the nobles came with their retinue in armes for fear of the King; the prolocutors were Knights in whom no goodness could be found, but a naturall covetousnesse, unsatiable ambition, and intollerable pride and hatred of the truth And then licence being had to depart, a great stirre was made as is used, whereupon the King's archers in number four thousand compassed the Parliament house, thinking there had bin in the house some broyle or fighting, with their bowes bent, their arrowes nocked and drawing ready to shoot, to the terror of all that were there, but the King herewith comming pacified them.' Parliaments usually held their Debates—such as they were—either in the Royal Palaces, which were scattered about the country in great numbers, or in Cathedrals, Abbeys, Priors, Chapter Houses, and other Ecclesiastical buildings;—but most commonly in buildings of the Clergy. The Parliament frequently moved from place to place daily during the Session. The parliament at Lincoln in the 9th Edw. II. was holden on the 12th Feb. in the Hall of the Dean, on the 13th in the Chapter-house, and on the 14th at the Convent of the Carmelite Friars*.

No very settled regulations appear to have existed for the united assembling of the Lords and Commons. At times they sat together in the same building, at others separately.

The fixation of a locality whereat Parliament should always hold its meetings, is comparatively of very recent date. This change was not brought about till the beginning of the sixteenth century.

Edward VI granted St. Stephen's Chapel for the use of the Commons. Previously, when the Parliament was holden at Westminster, they sat in the Chapter-house. The Lords, contrary to the great majority of old precedents, had then separated themselves into a distinct branch of the Legislature, and held their meetings independent of the Commons. On various occasions, each branch of the Legislature was supreme;—sometimes the King,—most generally the 'Magnates,'—and sometimes the Commons. The historical associa-

effect, by reason of bribes that walked abroad, and the freendship of lords and great men, that should rather their owne commoditie than the Commonwealths.'—Holinshead.

* Parl. Roll.

tions which are lacerated at the prospect of removal from St. Stephen's Chapel, can therefore claim an origin of no greater antiquity than the sixteenth century. Those whose associations are linked to the period of the early Edwards, feel their attachment excited for a very different state of things. In its pristine vigour, the Constitution of King, Lords, and Commons was accustomed to scamper as fast as the state of the roads would permit, all over the kingdom, from Berwick-upon-Tweed to the Land's End. Within one year, it would hold its Parliamentary sittings at Carlisle and at Westminster; on the following year at Exeter and Norwich, or at Lincoln and Worcester*. When the sittings of Parliament,

Number of Parliaments and the places to which they were summoned during the reigns of Edward I & II.—Abstracted from the Parliamentary Writs.

Anno Regni.	Place of Meeting.	Date.
11 Edw. I.	{ Northampton § } York || . . . . . }	20 Jan. 1283.
11 Edw. I.	Shrewsbury	30 Sep. 1283.
18 Edw. I.	Westminster	15 Jul. 1290.
22 Edw. I.	Westminster	12 Nov. 1294.
23 Edw. I.	{ Westminster } Prorogued to }	13 Nov. 1295. 27 Nov. 1295.
24 Edw. I.	Bury St. Edmund's	3 Nov. 1296.
25 Edw. I.	London	6 Oct. 1297.
26 Edw. I.	York	25 May, 1298.
28 Edw. I.	London or Westminster	6 Mar. 1300.
28 Edw. I.	York	30 May, 1300.
29 Edw. I.	Lincoln	20 Jan. 1301.
30 Edw. I.	{ London } Prorogued to }	29 Sep. 1302. 14 Oct. 1302.
33 Edw. I.	{ Westminster } Prorogued to }	16 Feb. 1305. 28 Feb. 1305.
34 Edw. I.	Westminster	30 May, 1306.
35 Edw. I.	Carlisle	20 Jan. 1307.

§ The Counties South of Trent were to assemble at Northampton.

|| The Counties North of Trent at York.

EDWARD II.

1 Edw. II.	Northampton	13 Oct. 1307.
1 Edw. II.	Westminster	3 Mar. 1308.
2 Edw. II.	Westminster	27 Apr. 1309.
5 Edw. II.	London	8 Aug. 1311.
5 Edw. II.	Westminster	12 Nov. 1311.
5 Edw. II.	Westminster	13 Feb. 1312.
6 Edw. II.	Lincoln	23 Jul. 1312.
6 Edw. II.	Prorogued to Westminster	20 Aug. 1312.
6 Edw. II.	Westminster	18 Mar. 1313.
7 Edw. II.	Westminster	8 Jul. 1313.

therefore, were made stationary, the whole country must have experienced the great change. Keen as were the appetites of the ancient legislators, what a beneficent and equable influence on production must they have caused to be dispersed throughout the whole kingdom. If the Parliament, following good old custom, held its sittings once or twice in the year in different places in the country, at Salisbury for instance,—what a stir for the supply of provisions would be excited amidst the surrounding districts;—agricultural distress would be no more,—rents would improve,—and even Swing become a respectable poulterer or grazier. The expense of the Coast Blockade would be saved to the country, if a sitting were occasionally held at a seaport; smugglers would thrive as fishermen; and the presence of the Bishops would improve the laxity of female morals too frequently to be found in those localities. A great moral change would thus be effected in the people; and the suggestion to obtain this return to ancient constitutional propriety, is thrown out for the consideration of the Lord Chancellor, whose zeal for public morality is consistently developed in his opposition to the Ballot. If the presence of the Chancellor and his Court were needed at Parliament, as in olden times was the case, the improved means of carriage and transportation would immediately be called into requisition. According to constitutional precedent, the King might address his writ to some Abbot, or not finding

7 Edw. II.	Westminster	23 Sep. 1313.
7 Edw. II.	Westminster	21 Apr. 1314.
8 Edw. II.	York	9 Sep. 1314.
8 Edw. II.	Westminster	20 Jan. 1315.
9 Edw. II.	Lincoln	27 Jan. 1316.
9 Edw. II.	Westminster	various dates } 1316.
10 Edw. II.	Lincoln	Apr. and May } 1316.
		29 Jul. 1316.
11 Edw. II.	{ Lincoln	27 Jan. }
	{ First prorogued to	12 Mar. }
	{ afterwards to	19 Jun. }
12 Edw. II.	York	20 Oct. 1318.
12 Edw. II.	York	6 May, 1319.
14 Edw. II.	Westminster	6 Oct. 1320.
15 Edw. II.	Westminster	15 Jul. 1321.
15 Edw. II.	York	2 May, 1322.
16 Edw. II.	Rippon, altered to York	14 Nov. 1322.
17 Edw. II.	{ Westminster	20 Jan. 1324.
	{ Prorogued to	23 Feb. 1324.
18 Edw. II.	Salisbury, altered to London	20 Oct. 1324.
19 Edw. II.	Westminster	18 Nov. 1325.
20 Edw. II.	{ Westminster	14 Dec. 1326.
	{ Prorogued to	7 Jan. 1327.

one, to some modern pluralist,—commanding the production of a good strong mare, not in a breeding condition, to carry His Honour and His Honour's Rolls *. The Reformation took away the Abbots, and the advantages and improvements of modern law have rendered the records of the Chancellor too bulky for a single beast. Yet the difficulty might be remedied; for the King availing himself of the elasticity of his prerogative, need only issue his writ for the provision of steam machinery, and then upon rail roads the Chancellor and all the officers of his Court, together with all the Records which their keepers have not suffered to become illegible or moulder away, might be transported if necessity demanded.

The previous note showing the number of Parliaments with their places of meeting during the reigns of Edw. I and Edw. II, may serve as a specimen for succeeding reigns till Henry VIII.

In the reign of Henry VIII, there were Nine Parliaments; the duration of the longest, five years, five months, and a day; of the shortest, one month and two days.

Edward VI.—Two Parliaments; one lasted four years, five months, and eleven days; the other, one month.

Mary.—Five Parliaments; each averaging three months duration.

Elizabeth.—Ten Parliaments; of about a year and a half each on an average; the longest continuing seven years, ten months, and ten days; the shortest, one month and twenty-five days.

James I.—Four Parliaments; one extending over seven years, ten months, and twenty-one days; another, about two months; another, a year; and the fourth, two years.

Charles I.—Five Parliaments; the Long Parliament of twelve years, five months, and seventeen days; the others of very short existence.

* 'Rex dilecto sibi in Christo Abbati de Bello loco Regis salutem. Quia uno equo bono et forti ad rotulos Cancellariæ nostræ portandos ad præsens plurimum indigemus; vobis mandamus rogantes, quatenus unum equum fortem et non *cutum* pro rotulis dietæ cancellariæ portandis, per aliquem de vestris de quo confiditis, usque eandem cancellariam mittatis. Ita quod cum habeatis apud Staunfordiam die Dominicâ proximâ post festum Sancti Jacobi Apostoli proximo futuro venerabili patri J. Cicestrensi Episcopo Cancellario nostro ibidem liberandum. Et hoc nullo modo omitatis. Et quid inde duxeritis faciendum, nobis tunc per prædictum nuntium vestrum constare faciatis. Teste Rege apud Darente vicesimo quinto die Junii.'—*Rot. Claus. 2 Ed. II. m. 2 d. in Turr. Lond.*

Charles II.—Four Parliaments; one of the duration of sixteen years, eight months, and sixteen days; the others very short, one lasting only seven days.

James II.—Two Parliaments; one of two years, four months, and sixteen days; the other, one month and four days.

William III.—Five Parliaments; the longest lasted six years, six months, and twenty-two days; the others about two years each.

Anne.—Five Parliaments; none lasting five years.

The Septennial Act was passed 1716, and repealed the Triennial Act, which had been passed in 1641.

Complaint of the frequency of the assembling was made in Richard II.'s time; and, 'in a Parliament,' says Stowe, 'at London was granted to the King, a tenth of the Ecclesiastical Persons and a fifteenth of the secular, upon condition that no other Parliament should be holden from the Calends of March till Michaelmas.' A year's duration for a parliament was considered as a remarkable event in 1606. 'The first of March, a Parliament beganne which lasted nigh one whole yeere, for after the Knights of the Parliament had long delayed to grant the King a subaidie, yet in the ende being overcome they granted the tax demanded.'—*Stowe*.

In the reign of James I a protest against the insufficient accommodation of the present House of Commons was urged, and a representation to the following effect appears on the Lords Journals. 'Whereas the Members of the Commons House of Parliament by reason of more Charters granted by his Majesty as also by their attendance in greater multitudes than heretofore hath been usual, do want convenient room to sit in the place accustomed to their meeting and many are thereby forced to stand in the entrance and midst of the house contrary to order: it is required on the behalf of the said House that the Officers of his Majesty's works do immediately give order for the erecting and fitting such and so many rooms and seats as the House may sit and attend the service with more ease and conveniency, and this shall be your warrant.'

Why then are fragments only of constitutional precedent adopted? Professing all the time the most superstitious and immoderate reverence for ancestral wisdom, on what principle is that wisdom sliced and hewn, and made to tell exactly where it is in opposition to the existing interest of the public and no where else? Why are not Parliaments ambulatory, and thereby in accordance with strict constitutional propriety? Why does not the King feed his Parliament? Why does not Mr. Hume demand his expenses, 'as by the present state of

Parliamentary Law he is entitled to them? Why are not Parliaments monthly, according to ancient precedent? Why, but because it is not found convenient in modern times? Is it then found convenient, to have an inconvenient house? Why is this to be the excepted case, in which a demand for convenience which is at least as old as James the First, is to be voted nugatory and contrary to good taste? There is a taste concerned, but of a more substantial kind. There is some jobbery to be carried on by the powers of darkness; some way or other in which the existence of a premium against the attendance of Members of the House of Commons, is to work into the hands of the enemies of the people. A ministry does not cultivate stench from pure antiquarian propensities; there is something vastly more home-spun at the bottom if it is looked for. The perpetual presence of the people's watchmen is a nuisance and a bore; and as any given quantity of noxious gas may be more easily breathed by relays of men than by the same small number of individuals, there is a regular system for driving out the people's agents by making the house too hot to hold them.

ART. IV.—*English Grammar*. By the Rev.^d J. Russell, D.D., Rector of St. Botolph's, Bishopsgate, and late Head-Master of Charterhouse School. Published under the direction of the Committee of General Literature and Education, appointed by the Society for promoting Christian Knowledge.—London. John W. Parker, West Strand. 1833.

THE rapid extension of the English language of late years, is a remarkable fact in the history of the world.

Two centuries ago, it was spoken by but a few thousands of the millions who peopled the globe 'beyond the four seas.'

In our own country the ancient British language was employed, almost exclusively, by the inhabitants of Wales and Cornwall; and the Gaelic by the northern Highlanders. But the increase of the population of England,—the great facilities afforded to internal communication by improved roads and rapid travelling,—and the fashion of exploring every part of the land,—have totally driven the ancient British, as a separate tongue, out of Cornwall; and are gradually supplanting the Welsh by English, and the Gaelic by the dialects of the lowland Scotch.

In Ireland, again, the cultivation of the Erse is declining; while that of the English is advancing. But abroad the spread of the language is more remarkable. On the continent

of North America, it is in use among little less than fifteen millions of men. In the British West Indies it may be considered the universal tongue. In South America it is extending itself, though slowly; but the enterprize of British merchants is daily rendering the cultivation of it a matter of greater necessity among the inhabitants. In Africa it is fixed at the Cape, Sierra Leone, and other stations on the coast. Egypt contains a greater number of English than of any other foreigners. Liberia, if that colony answers its present expectations, will assist in extending it; and if the newly-found Niger be used as a highway for trading with the interior of the African continent, English words will be imported with English wares into a portion of the world in which its adoption may be reckoned on as more probable than that of any other foreign tongue. In Hindostan the English is gradually advancing; the more educated natives are learning it; and, as greater opportunities are given to the settlement of adventurers there, the Hindostanee and other native languages must gradually feel the powerful competition of their rival. In the Eastern Archipelago, and in the islands of the Pacific, it is widely diffused; and last though by no means least in point of importance, it may be considered as all but universal on the continent of Australia, and in Van Diemen's Land. Europe is the only part of the globe in which it makes progress among comparatively few besides the learned; but Germany and France comprehend a large number of scholars who deem its acquisition a needful part of their education.

The origin, structure, and copiousness of the English language are but slightly known, and less regarded, out of England. The Scotch and Irish accuse the mass of the English people of talking English more ungrammatically than they do themselves; without reflecting that the dictionaries contain only selections *from* the language;—the number of words in them by no means rendering them worthy to be considered collections of the language;—and that the English of grammars and schools is likewise but a chosen portion of an existing whole. In fact, *the English language*, as learned by foreigners, is by no means *the language of England*. The Scotch, Irish, and Welsh must, in this respect, be reckoned among foreigners; because, whatever may be their facilities for making themselves acquainted with the colloquial English in addition to that of literature, they can only judge of 'the pure well of English undefiled,' by the supply they receive from streams devious in their course, and often polluted by the channels through which they pass. It is in England alone, and by means

of an investigation of the idioms, dialects, provincialisms, and vulgarisms which are used by its various classes of inhabitants, that the language of England can be correctly understood, or its fullness and energy rightly valued.

The language of England is a compound of the Saxon, French, and Latin in particular. Locally, it has received additions from many other languages. The nation itself is one compounded of Britons, Saxons, Danes, Normans, Flemings, Spaniards, Lombards, Jews,—and in fact of all who have found during the last thousand years and upwards, that they could live more happily here than in their own countries. As these strangers frequently came over in numerous companies, possessing the knowledge of no other languages than those of their native lands, it will be immediately seen that a large importation of foreign *words* and *idioms* must have been received on each accession of foreigners. And when these companies of strangers settled in any particular district, they would necessarily continue the use of their native languages, as the means of communication with one another.

This was the case with the Flemings driven from the Netherlands by the Duke of Alva's persecutions, who were stationed by Elizabeth in Southampton, Norwich, and other towns; the Lombards, who chose a few of the principal ports for their residence; and other similar bodies of exiles and adventurers. By the mingling of theirs with the language of the surrounding district, the pronunciation of each becoming contaminated by that of the other, and by the mutual adoption of phrases necessary to carry on the intercourse of everyday life, a *dialect* would be formed. This is more particularly noticeable in Norfolk and Suffolk, from which counties in particular the late Mr. Forby collected his East-Anglian vocabulary, containing upwards of 2,000 words unknown in literature, but in daily use among the common people there; the introduction of a large number of which can be traced to the Flemings. The centre of a dialect would, of course, be the spot where the exotic tongue first obtained, and where the descendants of its importers would be found the most numerous, and inheriting their ancestral modes of speech in the nearest approach to purity. The line of demarcation which denoted the circumference of the dialect would become fainter in every generation; and at last, the words proper to the dialect would wane into a mere class of *provincialisms*; particularly where the body of foreigners whose immigration had given rise to it, had not been large enough to people a considerable district to the exclusion of the natives.

On casting a glance over a map of the country, it will be

easy to say, pretty accurately, in what parts any specific dialects and provincialisms ought to prevail. In a general survey, the whole of England may be regarded as having been peopled by the Saxons, excepting Cornwall and the Cumberland district, whither the Britons retired after the Saxon conquest. And accordingly, the basis of the language of England, and the majority of its idioms, are Saxon. The Conqueror and his immediate successors, brought over the Normans in shoals; but, as nearly all the lands worth having were divided among them, they made no local settlements in masses, so as to drive the Saxon from any distinct portions of the country. The French was the polite language, and continued here, among the upper classes, in full force for centuries, until the time when law pleadings and statutes ceased to be written in it. It was also the language of education; and, from the reign of William to that of Edward III, at all schools the scholars were obliged to construe their Latin lessons into French; in the same way in which, at some schools, Greek is now construed into Latin. Trevisa mentions the author and period of this change. 'Sir Johan Cornuayl, a mayster of gramer, chaunged the techyng in gramer scole and construction of Frenssh in to englyssh, and other Scoolmaysters use the same way now in the yere of oure lord Mjij C lxxv the ix yere of kyng Rychard the secund and leue all frenssh in scoles, and use al construction in englissh. Wher in they haue auantage one way that is that they lerne the sonner theyr gramer. And in another disauantage For now they lerne no Frenssh ne can none. Whiche is hurte for them that shal passe the see. And also gentilmen have moche lefte to teche theyr children to speke frenssh.' Higden says that before his time, 'Uplondyssh men [rustics] will counterfete and likene hem selfe to gentilmen, and arn besy to speke frensshe, for to be more sette by. Wherfor it is sayd by a comyn prouerbe, Jack wold be a gentilman if he coude speke frensshe.'—*Carton's Edition of Higden's Polychronicon by Trevisa, 1482, Book I. Ch. lix. Fol. 68.*

All the sciences cultivated in the 12th and 13th centuries were taught, and all books in respect to them were written, in Latin. It would have been deemed a degradation of any important subject, to have treated of it in a modern language. And in the earlier times, the books, (which seem to have been in the hands of scarcely any but the priests, who comprised the principal statesmen and lawyers), were in Latin almost exclusively, the few exceptions being confined to the Saxon legal and historical collections.

There are therefore few Gallicisms and specimens of Latinity

among our provincialisms; and no French or Latin dialects are spoken in any part of England. But from the very general use of those languages among all educated persons, French and Latin words and phrases were abundantly mingled with the Saxon;—in some cases by the literate, in that manner which is allowed to be correct;—in others by the illiterate,—the ‘up-londish men,’—who either mingled them with, or translated them into their own Saxon, and thus formed a class of expressions which may be denominated *vulgarisms*.

The following specimens of French terms mangled, may serve as illustrations of the process of manufacturing vulgarisms.

The origin of the word quandary, is possibly ‘qu’en dirai-je?’ That of ‘kickshaws,’ is ‘quelque chose;’—of curmudgeon, ‘cœur méchant.’ ‘I don’t know nothing about it,’ may have been a literal translation into Saxon of the French ‘Je n’en sçais rien.’

The vulgar words ‘necessitated, sitivated, debilitated, deteriorated,’ and the like, are correct Saxon inflections of words which have been adopted from the Latin by those who knew nothing of it but the scraps they might catch from the lips of their superiors in education; and who, from a Malaprop propensity to admire ‘the oracular language,’ soon accomplished ‘a nice derangement of epitaphs.’

There is no better reason *à priori*, why the English verb ‘necessitate,’ should have been formed in preference to ‘necessitate,’ from the Latin *necessitas*, than there is why the two verbs ‘decern’ and ‘decree’ should have been made from the same root *decernere*. But language, modes of speech, and the particular application of words, having been held no fit manufacture for the illiterate, but to be decided and established by the usage of the better educated classes of mankind, the consent of these, in every age, has stamped the legitimate currency of words.

Dr. Johnson was the first who culled from received authors some of those words to which they had given their approbation. The words comprised in his dictionary may truly be called a mere selection from those which form the language of England, when there are found in Shakspeare alone upwards of 1000 words which he rejected [*Chalmers’s Apology for the Believers* &c. p. 210], and the Rev. Gilbert Wakefield, in a letter to Mr. Fox, stated that he had collected from Milton upwards of ‘500 solid and nervous words’ not in that dictionary. By the way, this may account in some measure for the inability of foreigners to appreciate, or even understand, the great national dramatist and poet. Mr. Todd has added ‘several thousand words’ to the number

given by Johnson;—not new coinages of his own, but sterling English words;—many of them contained in writers to whose works Johnson must have had access, but which his fastidiousness induced him to discard. Mr. Chalmers, in his *Abridgement of Todd's Johnson*, has ventured to call it 'a complete glossary of the early English writers;' but very erroneously. Milton's *Areopagitica* alone has a considerable number of words not given in that *Abridgement*. Taking in compounded words, there appear 32 not in the *Dictionary*; of which there are at least a dozen good words, some of them in daily use now, such as the adjective 'Eutopian.' A calculation has since been made by a late accurate philologist, that there are at least 13,000 words in common use in England, which do not appear in any dictionary of the language. Collections of many of these, amounting already to at least 5000, have been made in local vocabularies; and their derivations, in many instances, have been traced from those languages of which they once formed parts, and in the composition of which they were used as perfectly correct.

The language of England therefore, cannot be judged of by those who learn the English language only from dictionaries and grammars, or from persons who were originally taught a mere fraction of the language. The fashion of Dr. Johnson's day, upheld in great measure by his colossal reputation, was to cast English sentences in a Latin mould, with as many words derived from the Latin as could be blended with the Saxon it was inevitable to use. But Dr. Johnson's style is not the test of the language of England, more than that of some of Milton's prose. Who, unless he wished to be set down as a pedant, would now write, as Milton in his *Areopagitica*, 'And me, perhaps, each of these dispositions, as the subject was whereon I entered, may have at other times variously affected,' &c.; or emulate Dr. Johnson's definition of network, 'Any thing reticulated or decussated, at equal distances, with interstices between the intersections.'

Dr. Southey has discarded much of the cumbrous Johnsonian latinity, and enriched by the addition of many Saxonisms the list of what may now be termed correct English. The study of the elder dramatists, which was the rage about the beginning of the present century, has also conducted to this alteration of standard. Dr. Johnson said of Shakspeare, that he had only Latin enough to grammaticize his English; while Dr. Southey on the other hand, has (for instance) approved of the use of the verb 'worsen,' which was certainly in vogue as late as the Elizabethan age, and of which an abbreviation, to 'worse,'

appears in the *Paradise Lost*, [*Book vi. line 440*, 'May serve to better us, and worse our foes.'] Now 'worsen,' though so completely abjured by the purists in Dr. Johnson's time that Dr. Pegge has included it in his catalogue of vulgarisms, did not ever become ungrammatical, although it was only used by the uneducated; to whose happy protection it is indebted for having at last, like a recovered foundling, been received again to associate with its kindred verbs 'to better' and 'to lessen.' There seems no reason why 'to greaten,' should not be acknowledged as of the same family.

An examination of the language of England would show that, with few exceptions, its vulgarisms are correct Saxon expressions, which have merely fallen into desuetude among the educated classes, or remained unmodified by the changes which time and foreign associates have wrought on others; and that, of these exceptions, a large number are either literal translations into Saxon of idioms from some other language, or adoptions of foreign words, Saxonized, into sentences of which the other portions have been derived from the Saxon.

It must be borne in mind, that the changes of a language, especially those which are made by the refining and mollifying of old words for the more easy and graceful sound, are gradual corruptions of it;—that, even in respect to the most correct English, two styles are used, the colloquial, and the literate;—and that these changes, and the preference given to particular styles, are regulated by no fixed rules, but by accident or caprice.

Words derived from the Greek, the principal part of which are terms of science and art, appear to form a separate class. Few of them have descended below the sphere of the educated, except in the particular mysteries for which they were concocted; and, before the sixteenth century, even the learned were destitute of them. William Grocyn, of whom Erasmus learned Greek, was the first who taught that language at Oxford; where it's introduction raised a furious strife, splitting the University into two factions, who ranged themselves under the names of Greeks and Trojans; [*Granger's Biog. Hist.* vol. i.] It was not until 1535, that it was brought to the other University by Sir Thomas Smith and

'Sir John Cheke,

Who first taught Cambridge, and King Edward, Greek.'

Before that time, every Greek quotation in any writer is stated by Strype, in his life of Sir John Cheke [*p. 18*] to have been noted, 'Græcum est, non potest legi.'

That the assertion above made, as to the result of an examination of the language of England, is not to be treated as a

mere unsupported assertion, will appear on a scrutiny of some of the most glaring instances of deviation from the present standard of precision.

To begin with the use of double negatives. They have descended from our Saxon ancestors. Dr. Hickes in his *Thesaurus* says, 'Notandum est quod in Linguâ Anglo-Saxonica negatio enuncietur per duo negativa.' Mr. Speght, in his advertisement to his second edition of Chaucer, says that the poet took his double negatives from the Greek. This cannot have been the case; as Chaucer died in 1400, before the taking of Constantinople, which appears to have been the earliest cause of the introduction of the Greek language into Western Europe; [*Preface to Ockley's Hist. of the Saracens.*] Dr. Hickes observes of Chaucer, 'Literarum Græcarum ignarus, more sui temporis, in quo Saxonismus non penitus exoleverat, duobus negativis usus est.' Ockley says, that the learned contented themselves with Latin translations of the Greek authors, made from Arabic versions. And Lydgate states in the prologue to 'The Fall of Princes,' that Chaucer 'translated Troilus and Creseide, from a book in the Lumbard tongue, called "Trophc."

In the proclamation of Henry V for the apprehension of Sir John Oldcastle, there is a string of negatives which rivals the cockney bagman's exclamation 'Has nobody seen nothing of never a hat no wheres?' It runs thus, 'Be it knowne, as Sire John Oldcastell refuse, nor will not receave, nor sue to have none of the graces' &c.; and must be taken as an indisputable specimen of 'the King's English' in the year 1414. More than a century afterwards, the double negative is found, not only in the compositions of careless writers, but in the *Toxophilus* of the learned and highly accomplished Roger Ascham. 'No, nor think I never shall.'—p. 123. This was published about 1540, shortly after he had taken his academic honours. In Shakspeare is found, in *Romeo and Juliet*,

A sudden day of joy
That thou expect'st not, nor I look'd not for.

and other instances in his plays will occur to all. Several are to be met with in the authorized translation of the Bible, made by some of the most learned men in the reign of James I; and there are a few in other books by learned authors, bringing the use of the double negative down to the middle of the seventeenth century. In fact it has been abjured, by those who set the fashions of our language, only for about two centuries; and the mode has been followed generally, for little more than one. On looking into the writings of the days of William III and

Anne, a large number of proofs will be found in support of this proposition, and one may be seen in Chief Baron Gilbert's *Tenures*, p. 278.

Double superlatives, though now also disused almost as generally as double negatives, are also of correct Saxon descent. The Saxons indeed, went beyond anything that can now be accomplished in expressing the highest degree of comparison by one word, as they added an emphatic A to their superlatives, which can only be translated by a circumlocution; as 'rihtwisesta,' most remarkably righteous; a regard for euphony, not allowing the use of 'rightousestest.' A reference to Shakspeare and Milton again furnishes examples. 'But that I love thee best, O! most best, believe it,'—occurs in Hamlet's letter to Ophelia. There is other proof, that this employment of the double superlative was fashionable about the time when Shakspeare wrote; for in 1603, Florio commences the dedication of the First Book of his translation of Montaigne's *Essays*, 'To the Right Hon. my best-best benefactors, and most-most honoured ladies, Lucie, Countess of Bedford, and her best-most loved loving mother, Ladie Anne Harrington.' The style of this dedication would be considered burlesque in our days; but during the reign of Elizabeth, Euphuism, (of which Sir Walter Scott has given specimens in the 'Monastery,' and Miss Aikin in her *Memoirs of Queen Elizabeth*) was considered the perfection of courtly composition. In Julius Cæsar, 'most boldest and best hearts of Rome,' are words to be spoken by Cassius. 'This was the most unkindest cut of all,' is part of Antony's speech over the body of Cæsar. In Henry VI. Part 2, Queen Margaret is made to address the King as 'mine alder-licfest sovereign.' Dr. Johnson translates this 'most beloved;' but those words are not sufficiently superlative. If the present fashion of language permitted it, the equivalent would be (as it might have been in the days of Sir Piccie Shafto), elder or earliest-belovedest. There is an academic term which is as nearly parallel to Alder-licfest as may be, and that is Senior Optime. In fact it is an almost exact translation of the Saxon into Latin. Chaucer uses Aldermoste, Aldirbest, Aldirfirst, &c. [*Troilus and Creseide*, Book i. l. 1004, 1009, 1070, &c]. Dr. Johnson has admitted 'alder-licfest' into his Dictionary of select English words, without making any objection to it as ungrammatical; and with regard to double negatives he says, 'Two negatives are sometimes joined, but ill.' Shakspeare has 'a double comparative in Othello, 'more safer.'

'Not never—not nothing—mostest—bestest'—and the like, are now, however, consigned to the conversations of the vulgar;

but they are not on that account merely, to be deemed ungrammatical; especially while those who renounce these phrases keep the vulgar in countenance by talking of the 'most perfect,' the 'most true,' and the 'most silent;' and reckon themselves the 'most correct,' though, according to the rules of purists, Perfection, Truth, Silence, and Correctness, do not admit of degrees of comparison.

Another point for examination is the manner in which many of the verbs are used. Learn me,—for Teach me. To learn is the English of the Saxon verb *Laeran*, which implied '*docere*' as well as '*discere*,' and has been employed accordingly by some of the best writers. It will be found in the 25th and 119th Psalms in the Common-Prayer Book. In Richard II. the Bishop of Carlisle says, 'Then true nobless would learn him forbearance from so foul a wrong;' and the same phrase occurs in the Tempest, As you like it, and elsewhere.

To 'remember' another of anything, has also many good authorities in its favour, though it is now banished from polite discourse. Richard II.'s Queen objects to her lady telling tales of joy to her, because it will 'remember her the more of sorrow.' In King John, Constance says that grief 'remembers her' of Arthur. In the second part of Henry IV, Worcester 'remembers' the King, *who* were his first friends. And, nearer the present times, Richardson has the word in the same sense, in the 3rd volume of Sir Charles Grandison, p. 157 of the 7th edition.

To 'fetch' a walk has also, though used only by the untaught in the present day, been approved by high authorities. By Milton,

When evening grey doth rise, I fetch my round
Over the mount, and all this hallowed ground.

In Cymbeline, the Queen says 'I'll fetch a turn about the garden,' &c. Acts, ch. 18, v. 13. 'And from thence we fetched a compass round,' &c.

To 'ruinate,' though used by Shakspeare and many authors of his age, and, still later, by Lord Bacon,—'Philip and Nabis were already ruined,'—is among the proscribed verbs; as are various inflections of others in general usage, such as the following,—'It *snew*,' for it snowed; which is particularly used in Norfolk and Suffolk, where the common people say, it *snew*, and it *friz*: Holinshed, under the year 1583, describing the performance of a tragedy, says that among other devices, it '*snew* an artificial kind of snow.' Dr. Wallis, in his English Grammar, published in 1653, mentions that *snew* was used as the perfect tense of the verb to snow, '*sed et utrobique, snowed.*' Chaucer has '*isnewed*.'

The past tense was formed by the early Saxons, in their strictly regular verbs, by changing the characteristic vowel of the verb. The modern or cultivated Anglo-Saxon, and the English past tense, is formed by the addition of the termination *ed* instead. Both classes of verbs continue to be used, those inflections only being regarded as correct which are admitted in polished literature.

The following are a few specimens of the original inflections still preserved. Blow, blew, blown. Drive, drove, driven. Fly, flew, flown. Freeze, froze, frozen. See, saw, seen. But most of the English verbs derived from the Saxon, and all of those adopted from other stocks, have the past tense and participle alike; as Love, Declared, Fortify, &c. Understand still makes Understood, though in 1562 it was otherwise. In the 35th Article of the Anglican Church, the Homilies are directed to be read in Churches 'diligently and distinctly, that they may be understood of the people.'

Now if Blowed, Drived, Flied, Freezed, and Seed, are not as defensible in point of grammatical correctness as Loved, Declared, Fortified, it is because the forms of the earlier Saxon had preoccupied the ground, and have never lost it in good society; and the Norfolk rustics are no more to blame for having retained *friz*, (from the Saxon verb *Frizan*) for their own use, than their landlords are for having turned Mote into Might, which is still vulgarly called Mought in accordance with our elder writers; as in Fairfax's Tasso, Book III,

' Within the postern stood Argantes stout,
To rescue her, if ill mote her betide.'

Other words have been euphonized by a metathesis, as Ax into Ask; Dexe into Deske; Taske into Tax, &c. In a letter from Dr. John Clerk to Cardinal Wolsey, he says, 'The King axed after your Grace's welfare.' Sir John Fortescue, in his book on Monarchy, has the word 'Axen' as the third person plural. Dr. Skinner, who died in 1667, speaking of his own time, says, 'A multis etiamnum Ax effertur;' and he does not reckon it as a vulgarity then. The root of it is evidently the Saxon verb Axian; though Dr. Marcus Casaubon derives it from the Greek *Ἀξιώω* which he translates *peto*; with about as much reason as he did Cockney from *Οἰκογενής* '*domi natus*,' and Dr. Swift did Achilles from 'A Kill-ease.' Dexe is used for Desk in Chaucer. Holinshed mentions a 'new and strange subsidy or taske;' and Hotspur accuses Henry IV of having 'tasked the whole statc.'

From the Anglo-Saxon verb substantive having been compounded of no less than five several verbs, has sprung another

class of vulgarisms ; such as 'I be n't; Wurden he gwaen ; Thuh bist, &c.' which are grammatically correct, though the Scotch and Irish may think they are not. In the Anglo-Saxon grammars are found the verbs substantive *Wesan*, to be, whence is derived our *Was*; *Beon*, to be, the origin of our *Be*, *Been*, and *Being*; and *Weorthan* or *Wyrthan*, to be, which is the origin of *Wert* and *Were*; and to others of them may be traced *Am*, *Art*, and *Is*.

I be n't, is from the Saxon *Ic beo noht*, I am not; *Wurden he gwaen*, from *Wurthe ne heo gegen*, or *gehen*, *Was not he going*: and *Thuh bist*, from the corresponding *Thu byst*. *Gegen* was naturally brought down to *gwaen* by the gradual softening of the *G* into *W*, as is seen in *Wage* from *Gage*, *William* from *Guillaume*, and the like; and *Beo noht* became *Be n't* by the same mollifying process which reduced the English 'Do not' to *Don't*, and the French *Hostel* to *Hôtel*.

But the standard of euphony has varied in different parts of England, according to the dialects which prevailed, and the tone of the immigrants who were the authors of them. Consequently the modification of words has differed much in the various districts. The Somersetshire clown, whose dialect is almost pure Saxon, still uses the word *Utchy* for *I*; a modification of the Anglo-Saxon pronoun *Ic* or *Ich*, which is found in the later Anglo-Saxon authors, and even in Chaucer, as the dissyllable *Ichē**. Edgar, in *King Lear*, must have been imitating the Somersetshire dialect when he said to Goneril's steward, "Ch'ill not let go, zir, without vurther 'casion. An ch'ud ha' been zwagger'd out of my life, 'twould not ha' been zo long as 'tis by a vort-night." &c. In the notes to Drayton's *Polyolbion*, Song 17, there is an extract from Robert of Gloucester, who wrote towards the end of the twelfth century, which shows the use of the pronoun in his time; '*Ich* 'olle beginne to tell yuf ich

* In a poem on the death of Edward I, given by Warton (i. 107), the King is represented as saying,

'*Ichē* bequethe myn fīrte aright.'

One of Warton's extracts from Adam Davie's *Visions*, written about 1312, (ii. 47) contains these lines;

'*Ichē* to day shawe myné sweven

That *Ichē* mottē in one nycht.'

and in p. 49, '*Ichē* tel yof forsoth wiθouten les,' and '*Ichē* ne schewe nougt this for to have mede.' In Chaucer's '*Chanones Yemannes Tale*.'

'Nay, quod the foārthē, stint and herken me,

Because our fire was not made of beché

That is the cause, and oðter roble, so the *Ichē*.'

Ichē is also used as a monosyllable.

may.' In his metrical history of England, Mr. Dibdin has given, from the old ballad of 'Plain Truth and Blind Ignorance,'

'Ch ill tell thee what, good fellow,
Before the Vriars went hence,
A bushel of the best wheat
Was zold for vourteen pence, &c.
And this 'che say myself have seen, &c.

The date of this ballad is probably not far from the middle of the sixteenth century; or within the life-time of a person who remembered the dissolution of the monasteries.

In London, the Babel of all kinds of dialects, and in other parts of England, the word I is sometimes changed into Me. 'My wife and me are wery appy,' is a cockneyism in which the preference for Me seems referable to the French *Moi*. This and some other of the cockney blunders, can only be referred to that incorrect notion of euphony which leads them to omit the initial H; to make Windows rhyme with Cinders, by pronouncing it Winders; to add R to all words ending with the open sound of the vowel A, as in *idear*; and mutually to interchange the V and W. An imperfect education of the ear seems to have originated, and to assist in perpetuating, these blunders; for cockneys are often as totally unconscious that their pronunciation differs from that of those who speak correctly, as the Germans and French are that they say Dis or Zis for This, or many English that they turn the French monosyllable *puis* into the dissyllable *pouïs*. In a shop window in Fleet Street, Cocoa-nut baskets may have been seen labelled 'Coker nut baskets.' The same errors are found, separately, in other parts; though London must have the credit of associating them all. The dropping of the aspirated H, and the changing of V into W and *vice versâ*, are found in Warwickshire in particular. Some legal readers will be able to call to mind a reverend gentleman, who doing duty for a 'learned and honourable society,' has been heard to begin the service with 'Ven the Vicked man.' At Newport Pagnel, and in many other localities, the H is dropped. The Gascons use the B and V as equivalents; which gave rise to the Pærisian *jeu de mots*, that one of them, intending to ingratiate himself with a fair widow, whose jointure had kindled in his heart a Hudibrastic flame, effectually ruined himself in her estimation by designating her children as '*de veaux enfans*.' Scaliger's hit at the Gascons is well known;—

'Felices populi, quibus Bibere est Vivere !'

In a late book for teaching German, the W. is directed to 'be

sounded 'like the W of the cocknies*.' In the old ballad of the Turnament of Tottenham, Harl. MSS. 5396, which was written before 1456, some of the combatants, who are represented to have been of the lower order of Londoners, are made to use the W for the V.

I *wow* to god, quoth Herry, I schal not lefe behende,
 May I mete with Bernard on Bayard the blynde,
 Ich man kepe him out of my wynde,
 For what so ever that he be befor me I fynde
 I wot I schal him greuc.

Well sayd, quoth Hawkyn,
 And I *wow* quoth Dawkyn,
 May I metc with Tomkyn,

His flayle hym [I shall] refe.

Put a Londoner, of whatever class in society, upon the Mendip Hills near Holcombe, Cheddar, Radstock, or Wookey, and he will be utterly unable to understand the natives, who have been for ages, probably from the times of the Saxons, uncontaminated by any admixture of foreigners. The pronunciation of their Saxon-English is so totally different from that of other parts, that their educated neighbours are unable (unless they have been long in the practice) to carry on unconfined discourse with them.

In the same way, bring together four rustics from Norfolk, Cornwall, Kent, and Yorkshire; and for want of a common dialect, they will be as badly off as Scaliger was with the Scotch gentleman who addressed him in a Latin speech, to which he only answered 'that he did not understand Scotch.' What metropolitan doctor would comprehend, without explanation, the Wiltshire complaint, 'My kecker's so zoor, I can skeüs glutch.' It is, in authorized English, My 'keckhorn'—the common name among butchers in many parts for the larynx—is so sore, that I can scarce gulp. A Scot or Irishman would be no less at a loss to understand the Norfolk, 'Ta smur of a rain, and ta fare 'lection to rain pouring,' meaning, It

* This direction appears to be by no means exact. The W of the cockneys is a simple V. If an English school-boy, doubtful of which was right, should try to escape a whipping by making a sound that should partake of both the V and W, beginning with something of the first and ending with something of the second, he would make a sound more like the German W. Nevertheless the difference is not so great, but that the metropolitan peculiarity may have been contracted directly or indirectly from the Germans. The *ultra* cockney dialect is to be found in the Jewish quarter, and parts adjacent; and the dialect of the English Jews is strongly impregnated with German. It seems possible therefore that the habit may have been taken from the Jews.—Ed.

drizzles and seems likely to pour with rain;—or the Isle of Wight ‘Neust about the litten,’ meaning Nighest, or very nigh, the church-yard;—or the Gloucestershire ‘D’up the yat,’ Do up, or fasten, the gate*. William of Malmesbury, who wrote in the early part of the twelfth century, observed that the language of the north of England was then so harsh and unpolished, as to be scarcely intelligible to the Southern. ‘Quod propter viciniam barbararum gentium, et propter remotiorem regum quondam Anglorum modò Normannorum contigit, qui magis ad Austrum quam ad Aquilonem diversati noscuntur.’ [*Pontif. Angl. Lib. III.*] His native county was Somerset. Tim Bobbin’s ‘Lancashire Dialect’ shows that the lapse of seven centuries has done little to alter the distinctions between the colloquial peculiarities of the North and South of England.

The Scotch and Irish have one great advantage over the English. The genius of Ramsay, Burns, and Scott, has rendered the popular Scotch (which is a mere dialect of Saxon English, with some additions from the French) quite classical to us; and Miss Edgeworth and her successors have done the same towards rendering the Irish of the peasants, (which is nothing but English Hibernicised) the same good service; while English writers have scarcely attempted to introduce provincialisms into good society. But a native of Modern Athens will sneer at a fellow-countryman who talks with the accent of Glasgow; and a man born on the banks of the Liffy, has no greater admiration for the brogue of Connanara.

Differences of dialects are distinct from grammatical propriety; but there are discoverable, (by those who are acquainted with the Gaelic and Erse), in the English used by the Scotch and Irish, a large proportion of vulgarisms which owe their origin to their ancient languages, as some of our phrases do to the French and Latin. ‘I was after going just now,’—is a literal translation of an idiom of the Erse. Our ‘This here,’—‘That there,’—and ‘For why,’—are borrowed in the same way from the French *Ceci*,—*Cela*,—and *Pourquoi*. ‘For to see,’ and ‘For to do,’ are taken from the French *Pour voir* and *Pour faire*. The following may also be added to the instances before given, of words mangled from other languages. A ‘saunterer’ was the epithet applied to those pilgrims, who after returning from the Holy Land, spent the rest of their lives in strolling about the country, picking up their living in lazy

* ‘Dupp’d the chamber-door,’ Song in Hamlet; but the word decidedly there means ‘open,’ ‘do up the latch.’ *Doff* and *dōn* are in every-day use in Yorkshire; but not *dup*.—*Ed.*

wandering. Their stories constantly running on *la sainte terre*, a 'saunterer' was equivalent to a Holy-land-er. Hocus pocus, is from Hoc est corpus, used by the priests in the service of the mass; and 'My eye and Betty Martin,' from Hei mihi Beate Martine. My Lord, as applied to crooked persons, is perhaps from *λορδός κυρτός*; and was probably originally a grammar-school joke upon some unfortunate boy. Some alone of these, are vulgar; the decision of fashion, not any principle of formation, being absolute as to their propriety among the polite. Fashion, again, decides on elisions in pronunciation. A Cholmondeley, Marjoribanks, or Cockburn, calls himself Chumly, Marchbanks, or Coburn; but disapproves of a cockney's shortening Fictitious into Fictious.

Some words have a polite and also a vulgar signification attached to them, both of them strictly correct when the etymology is considered. In many places in England, as also in Ireland, the word Convenient is employed to express the notion of Nearness, and sometimes in a ludicrous manner; as, 'My horse stumbled over a stone convenient to the stable.' This use of the word is warranted by its derivation from *Convenire*, though it is allowable in literature only to denote Fitness.

Many other words in vulgar use are condemned as incorrect, from a misapprehension of their origin. Thus *Afraid* is regarded as a corruption of *Afraid*; when in truth *Afraid* is a distinct word, from the Saxon *Aferde*;—*Afraid* being of French extraction, from *Effrayer*. Chaucer uses the two words in the same line;—'This wif was not aferd^e nor affraide.' In the *Romaunt of the Rose* he has, 'But yet I am in great affraie;' and in the *Dreme of Chaucer* it occurs as a trisyllable, 'That had affraied me out of my slepe.' 'Half afeard to come,' occurs in *Antony and Cleopatra*. Dr. Johnson gives *Afyrhit*, the past participle of *Aferde*, as the root of *Afraid*, and therefore the general adoption of the error is not to be wondered at; but he was clearly in a mistake, as he was in several other of his derivations. So *Cute* is generally written 'Cute, as if it were an abbreviation of *Acute*; whereas it comes direct from the Saxon *Cuth*.

A large number of slang phrases are of the Saxon family. *To Fadge*, meaning to go smoothly, comes from *Geseagan*. *To Nim*, or steal, from *Naman*. *To Gab*, or talk, from *Gabban*; and the like.

Without questioning the accuracy of any standard which the learned and accomplished may set up for the measurement of the propriety of composition,—it will be sufficient to note, that the number of words which have been admitted by the grammarians of the day into that selection which they term 'the

English language' *par excellence*, but which has never been more than a limited portion of the actual language of the English, has varied in every generation. It was so in the days of Horace,

Ut silvæ foliis pronos mutantur in annos;
Prima cadunt: ita verborum vetus interit ætas,
Et juvenum ritu florent modo nata vigentque.—
Multa renascentur, &c.

and Chaucer has told how it was twelve centuries after;—

I know that in fourmè of speche is chaunge
Within a hundreth yeeré, and words tho
That hadden price, now wonder nice and strange
Thinké we ~~them~~, and yet they spake them so,
And sped as well in love, as men now do.

Chaucer himself has rendered the greatest service to those who may wish to inquire philosophically into the history of the language of England. He wrote towards the end of the fourteenth century, and was as great a favourite in the country as at court, which is a proof that his language was understood by all classes of readers. He mixed French or Provençal enough with his Saxon to suit the refinement of the polished, but did not introduce so much as to place him above the comprehension of the rustic; and, at the same time, he hit the taste of the learned so exactly, that his contemporary 'the learned Lydgate' in the prologue to the Fall of Princes, says of him,

Whom all this londé schulde of right preferre,
Sith of our language he was the Lode-Sterre:

and Roger Ascham said in the Toxophilus, fol. 13, 'I ever thoughte his sayinges to have as much authority as eyther Sophocles or Euripides in Greke.' There needs be no hesitation, therefore, in concluding that the words he employed conveyed his meaning clearly to the mass of the nation. There is indeed absolute proof at the present day, in Ireland, that this was the case. In the County of Wexford there are certain districts called The English Baronies, from their having been, in the fifteenth century, peopled by English adventurers. Their descendants continue to the present time to use the language of their ancestors, having intermixed very little with the surrounding Irish; and they converse almost exactly in the words of Chaucer. They are nearly the only persons in the world, (excepting some few black-letter gentlemen), who are able, thoroughly and easily, to understand and relish the ancient poet. Camden mentions these settlers, as speaking 'the ancient English,' about the beginning of the seventeenth century.

By means of the different editions of his poems, and the glossaries printed with them, a curious insight might be obtained into the periodical changes of fashion, as to what portions of the English language ought to compose the language of literature. The edition of 1602 is of a date almost at equal distances from the original publication of the poems in the fourteenth century, and from the edition by Mr. Tyrwhitt in 1798. Glossaries are appended to both these editions; there are presented therefore three stages of the language of literature. The first, when all Chaucer's words were well known,—the fourteenth century. The second stage, when Mr. Speght published his edition, with a glossary of nearly 2000 of those words which had become 'old and obscure,'—the beginning of the seventeenth century. And the third, when Mr. Tyrwhitt edited the *Canterbury Tales*, with a glossary of not far from 3500 words which are to be found in those *Tales* alone, (hardly one-third of the poet's works), and which had gone into desuetude,—the end of the eighteenth century. But reference is still made to Chaucer's 'pure well of English undefiled.' With what consistency then, can his obscure words be treated as no longer forming an integral part of the language?

In Mr. Speght's glossary are many which are in as common use now, as they were in the fourteenth century; which, therefore, must in the course of two centuries have gone out of fashion, and in the course of the next two have been readmitted into polished society. There can be no certainty that in two hundred years more, many of Mr. Tyrwhitt's list may not be as generally employed as are *Adjacent*, *Abandon*, *Excite*, *Incantation*, *Indigence*, *Menace*, *Malady*, *Nigh*, *Plumage*, *Revel*, *Reverse*, *Surplus*, and others which Mr. Speght has given as 'old and obscure' in 1602, but which are on every person's lips in 1834. There is as little reason for being confident that the same period may not increase Mr. Tyrwhitt's list by as many as it exceeds his predecessor's;—though the spread of education, and the attention paid to dictionaries, give ground to hope, that whatever may be added to the store, none will be suffered to grow rusty by disuse. But, though they may not be thrown aside as worthless, yet as great a change in the language may be produced, by words being devoted to other purposes than they are now. They can be made as serviceable as *Hudibras's* dagger, and their primary intention be forgotten in the course of their employment. Mr. Speght explains *Allegeance* by *Ease*,—*Alledged* by *Diminished*,—*Crouched* by *Blessed*,—*Gladly* by *Commonly*,—*Nice* by *Foolish*,—*Polite* by *Eloquent*,—*Prefer* by *Excell*,—*Ranke* by *Hoarse*,—*Skilfull* by

Reasonable,—‘Thrilled by Killed, &c. Chaucer calls Homer ‘that conceited clerke,’ an epithet which would now only be applied to a priggish writing-boy, and for which would probably be substituted ‘that imaginative writer.’ Blount, in ‘Nero Cæsar or Monarchie Depraved,’ says, p. 214, ‘Jerusalem was captivated by the King of Babylon.’ Hooker uses *Elevate* in the sense of lessening by detraction, and Johnson has given the instance in his dictionary. A patron in the 17th century returns thanks to an author for the present of ‘his valueless book.’ In Milton’s lines on Shakspeare is,

‘Hath on the leaves of thy unvalued book.’

Another writer calls a band of merciful soldiers, ‘pitiful warriors.’ Sir Thomas More’s Edward V is called his ‘Pityful Life of Edward V.’ Henry IV of France, is made to thank Beza for the affectionate terms in which he addressed his Majesty, assuring Beza that ‘he accepted them with those kind resentments which they deserved;’ Spons’s History of Geneva, p. 147. And in the translation of the Port Royal Art of Speaking, in 1676, the following passage occurs (p. 96), ‘We cannot read these following verses without compassion, and resentment of the same tenderness and love.’ Shakspeare (*As You Like It*, iii. 2.) speaks of ‘the fair, the chaste, and unexpressive she,’ intending a compliment by the last epithet, which, if used so now, would be construed into an affront; and Milton in *Lycidas*, ‘hears the unexpressive nuptial song.’ In a catalogue of books in the Ancient Library of Scotland, supposed to have been written in the time of James VI, are ‘Vulgar letters of divers noblemen in Italian’ (*Miscel. Scotica*, vol. ii, part 2, p. 85); meaning ‘familiar.’

One alone of the writers of this century, Mr. Horace Smith, has endeavoured to raise the language of rustics to the level of literature. Many humble verses were written in lowland Scotch before the days of Ramsay or Burns; and many tales were indited in the same, before *Waverley* was published. These verses and tales warmed the imaginations, and cheered the winter evenings, of hundreds of the poorer Scotch, while they were excluded from the classic libraries of the Modern Athenians. But it was not the want of intrinsic value in the Scotch dialect, that hindered it from previously asserting its right to be heard as the language of description, of passion, of joy, or of sorrow.

In the mean time, it is a matter of importance that care should be taken to prevent any existing portions of the language of England from perishing. Dr. Skinner calculated, that between

the reign of William the Conqueror and the 17th century, from 2000 to 3000 words, used by English writers, had become lost to the nation, from their meanings having been forgotten. If dictionaries be not extended to include as well the old and obscure words to be found in ancient writers as those which are in daily use among the common people, posterity will suffer an injury of no small consequence. If it has been deemed a benefit to mankind to invent a single expressive word, it must surely be no slight good to preserve from extinction, words, on the right understanding of which, the comprehension of some of the earliest literature, and the elucidation of many points of the national history, obsolete customs, and domestic economy of the people at various periods, may ultimately depend.

ART. V.—1. *A Bill intituled An Act for Establishing a New Court for the Trial of Offences committed in the Metropolis and Parts adjoining.*—Parliamentary Papers. Session 1834.

2. *A Bill intituled An Act for rendering more effectual in certain cases Proceedings before Justices of the Peace, and for the better Suppression of Offences.*—Parliamentary Papers. Session 1834.

LORD BROUGHAM'S Bill for establishing or extending the Criminal Judicature of the Metropolis, furnishes a good occasion to examine the Criminal Judicature of the whole country. From beginning to end of the entire procedure there is lamentable inefficiency. That much has been done, does not impugn the allegation that much more remains to be done; nor is it a sufficing reason that all energies should not be directed to cure the remaining evil, but the reverse;—seeing that it is the fashion of Whig reformers and moderates of all kinds, to lay their account in the well-doing of the past, as justification for doing no more, or for waiting awhile, or for doing that incompletely and by halves, which they can no longer find pretence for denying. This is the stumbling block of Whiggism;—and therefore the especial vocation of Radicalism is, to display the deficiencies which Radicalism would supply, bestowing however, by the way, all the praise (which must be half praise) that is due to their half doings. Lord Brougham's Bill is a work of this nature. It is excellent as far as it goes. How far that is, may be judged by a review of the whole exigency. It is a travelling to Ware, when the journey's end should be at York.

The Justices of the Peace Bill is another specimen of the same patchwork or make-shift legislation. The Lords might have

found more excuses for throwing out this Bill than occurred to them; if they had not themselves been parties to similar mockeries. Besides, their enmity was directed to the better part. This Bill refers chiefly to the Summary Jurisdiction of the Magistrates; which wide field of the enormities of English legislation, another occasion may be found for investigating.

Let all the stages of the criminal's progress be put in their successive order, and a cursory notice of each will determine how much has been done,—how much left undone.

1. The Thief-Catching.
2. Examination before the Magistrate.
3. The Grand Jury.
4. The Trial.
5. The Sentence.
6. The Appeal.
7. The Punishment.
8. The Powers of Mitigation or Remission.

These are the eight Stages; but at each there is a crowd of imperfections and vices, that would require a volume to catalogue them.

1. The Thief-Catching.—‘First catch your carp.’—Some attempts have been made of late years to improve the police: Its range and efficiency have been extended; but as, in the manner of this country, districts are broken up into jurisdictions, and some places are blessed with the boon that is denied to others in the same condition, it cannot be said that the country has a police. Now the same thing follows here as in trade; the thieves who are driven from one strong-hold fly elsewhere, where the preventive force is weaker, and so the abuse is only cured in one spot, to grow stronger in a more favourable place. The police of the country towns is extremely defective. Many of them have no police at all; and in the country itself, except the broken-down beadle, and the heavy constable, there is none. Again, at the outports, whither criminals are apt to resort, there is no established communication with the metropolis or the other parts of the country, for the purpose of enabling a criminal to be instantly pursued. If an enormous case arises, the Bow-street runners are had recourse to; but what are one or two persons among so many occasions?

The cause of the want of such police, is the antagonism of the public powers; and the popular feeling. There is a natural and well-grounded jealousy, against yielding to authorities subjected to very imperfect checks; authorities that might be made subservient,—as is in fact the direct object and design of the powers invested in the magistracy in certain cases, as for

example in the whole of the licensing system,—to the mere aggrandisement of the party in office, or of the higher classes generally. The numerous classes are in the habit of viewing the magistrates as men invested with licensing powers for the purpose of enabling them, according to their several tastes, to control the elections of the House of Commons ; and God forbid they should have any excessive confidence in them in any other direction. The administration of the law is *suspect* by the people throughout,—from the old-wifeish political economy of the bench, down to the maudlin zeal of the petty constable. When thinking men talk of triennial Parliaments, of vote by ballot, and extension of the suffrage, it is not from any idle fancy for such things of themselves ; but in order that the time may come, when the government of the country may be strong in the possession of the requisite powers, but subject also to the responsibility that should attend all power. At present, the government is not to be trusted,—certainly not a government which seeks to evade responsibility ;—for there is no safer rule in life, than that if a man however honourable and high-minded he may seem, refuses to give reasonable security for the performance of his pledge, it may be inferred that he is not the man he is taken for. The man who desires not to abuse the power given, is the first to put away the means or opportunity.

2. Examination before the Magistrate. In the country the justice of the peace, and in London the police magistrate, are armed with the powers of investigating the charge against the criminal in the first instance. In cases of murder, the investigation takes place before a coroner.

The great deficiency here, is in taking the depositions. They are taken down by a clerk ; often very imperfectly. The whole is not taken down ; often not more than the substance of the evidence. This is a crying evil, and at the root of much injustice. The person charged is entitled to every reasonable protection ; one sort of which is, that if innocent, he shall have the opportunity of impeaching the credit of any witness, who has sworn one thing before the magistrate and another before the court ; and further, that he may be able, more easily, to bring to detection and punishment, any conspiracy against him.

All this might be remedied by the employment of short hand writers, a very useful class of persons, whose qualifications are becoming daily more common, and therefore accessible on easier terms.

There is, however, a greater evil than the imperfect recordation of the depositions, viz. their partial character. The

magistrate only inquires till he has got sufficient ground to commit, and the oath of the prosecutor is admitted, but the prisoner's is rejected. A man has therefore only to be the first comer, and he may swear to the full; the mouth of the party charged is closed. This is done on the idea that the party charged is interested to swear falsely; and that if one party swears in the face of the other, there must be perjury. The matter being thus investigated according to an arbitrary rule, the poor man is sent to prison or bailed. Why should not the magistrate be bound to investigate the whole matter, and if there be objection to pitting oath against oath, why not make the declaration of either party equally available, and in the case of a false declaration, punishable as perjury now is? It is thus that one folly runs into another. The law demands a stupid, immoral, and useless form of backing the truth by superstition; and then for fear of using its superstition to waste, refuses to hear the truth on one side at all.

Nor is this absurdity confined to the grossest cases, where life and death being the stake, a man may be supposed ready to sink all inferior considerations; but in the matter of the smallest penalty, the same rule applies. However, the following amusing alternative is sometimes adopted. If it appears to the magistrate, that the party charged is the party injured, he will make the prosecutor change places, and then the party charged may swear as much as he pleases, and the tables are turned against the other, whose mouth is then closed. Such is the gentry's law.

The mode of managing business before the magistrates, and the extent of their powers, are subjects of the first importance. They are the poor man's judges, and administer the poor man's law. Their powers should be extensive, but checked with full responsibility. Now the jurisdiction of the magistrates has the double fault of being deficient in extent, and subjected to no effectual control.

How often have the public journals recounted instances of poor persons applying to magistrates for relief, in cases of admitted hardship, and the only answer that the magistrate could give, was to recommend the applicant to apply to an attorney. Apply to an attorney!—the remedy was worse than the disease,—the costly interference of the courts, superior in expense and delay. Why should not every matter that could be referred to the higher courts, be referred at once to the magistrate, especially where a poor man is concerned either as plaintiff or defendant? Are there no cases where the law has already given such jurisdiction. Take for instance an Act passed

in the last session of Parliament, whereby the Justices were empowered to adjudicate in the case of disputes respecting seamen's wages where the amount did not exceed 20*l.*;—why the amount should be fixed there, may be attributed to a feeling for the interests of the superior courts. But in the motley acts of British legislation, other precedents may be found. Why all subjects should not be, in the first instance, referred to the magistrate, it passeth the understanding of radicalism to conceive. Advocates of things as they are would exclaim,—the magistrates are not fit to be entrusted with such large powers. Then ought not their fitness to be secured by a better selection, and better control? It is not imagined that they should exercise this power without appeal; but that their proceedings should be so regulated as to furnish better ground for appeal. One half of the defects of all the procedures of all our courts, would be cured by this method of proceeding, and their cost be diminished in a more than corresponding degree. Let a complaint be made before a magistrate, and taken down by his clerk. Let the evidence be heard on both sides, and let the magistrate decide; evidence and judgment being set down. Let the judgment be final, if not appealed from within seven days; the Act already mentioned, furnishes a precedent for this. If the appeal be from the evidence or fact, let it be referred to a jury; if from the law of the magistrate, then to a superior judge. All appeals,—in direct contradiction to Lord Brougham's view,—should be decided as quickly as possible after the original decision; the evils complained of by him, should be checked by requiring that the notice of appeal should refer to the precise points of the decision appealed against, and the party failing should pay the costs of the appeal. Subject to that, there needs be no fear of an excessive number of appeals; the great inducement to appeal being the postponement of punishment or retribution, and the chances of change of circumstances during the interval of delay.

The superior court should also have the power of dismissing the magistrate for misbehaviour; and for gross negligence he should be liable to fine and damages. But again, a magistrate should have the power of sending up to the higher court, a statement of any case of doubt for his guidance; or he might refuse to decide such case, and direct that it should be carried at once before the superior court, in which case the public purse should pay the costs.

Before, however, such extensive powers were conferred on the magistrate, the rules regulating his procedure should be consolidated in one intelligible statute; and the simplest

forms should be prescribed. In short, the only forms that would seem to be necessary, would be such as should comprise the decision of the magistrate, the ground of that decision being contained in the evidence. If the present magistrates are not fit, then is it incumbent upon the executive to appoint fit men. If fit men will not work without remuneration, then should remuneration be afforded. If lawyers from their purely technical education are bad judges, and therefore unfit, then is the public concerned in securing a better education for the lawyers. But there seems no especial reason why magistrates should be lawyers. It is rare to find a good lawyer a good judge; the excellence in the one case, is a destroyer of the excellence in the other. A good memory and long practice, which is but mechanical skill though of the mental kind, make the lawyer; it requires powers of a totally different sort to make a good poor man's judge. Let the law be simply expressed and divested of the technicalities, and it will not require a lawyer to fill the office of a magistrate; and the office of a magistrate must be badly constituted, so long as the technicalities are such that none but a lawyer can fill it. There are, in crowds, men of the exact order of intellect befitting the employment, who might be picked out for it if remuneration for such valuable services were tendered; but no, the legislators think differently,—they have a job to serve, they do not suffer for their country for nothing. If a man be rich, he may be a magistrate without pay, and a dear bargain he is to all but his 'order;' or if there be pay, the magistrate must be a lawyer, and then he is often worth as little, as his qualifications are of the wrong kind. The common error consists in supposing that a lawyer is a close and accurate thinker, capable of acute discrimination, which shall enable him to weigh evidence, and decide upon merits often shared by both parties, and even when they are on one side so mingled with error, that it is difficult to fix the scales. The lawyer is generally the opposite of this. He is a creature of rule and practice. Put an unmingled proposition before him, and he may understand it; let it be conformable to practice, and he describes no difficulty; but the moment mixed considerations are produced to him, and one rule trenches upon another and there is doubt where the confines are to be marked, the lawyer is at sea. If there be lawyers who are not of this kind, then, what different powers they have, are not the result of their legal education or subsequent legal practice. It is not meant to repudiate a legal education, for the magistrate, but the legal practice of the lawyer. Let him quit the pursuit before he has imbibed the

esprit du corps, and his mind has been disciplined to a cramped legal mode of thinking.

What has been latterly said is important, because it has of late been the decree of the Legislature, that paid magistrates should be barristers of a certain standing. If the eye be cast over the list of lawyers who have officiated at the police offices, the decision will not appear to be warranted; and this is according to the reason of things. For a man trained to the consideration of a peculiar artificial class of subjects, will not be apt to see with the larger views of a man, who has thought for himself, and observed for himself, and talked with mankind.

A beginning of a reform in these matters has been promised in the consolidation of the Criminal Law. This must be at the bottom of any plan for simplifying the administration of justice; but a good law is a mere pretence, if the means of administering it be not also afforded.

After the magistrates, comes next in order the Grand Jury. Now it is of all things the plainest, that if the magistrate performed his duty, there would be small occasion for the grand jury. Such a body must be incompetent to the patient and pains-taking investigation of any matter. Let the most able men be collected together in numbers to discuss a matter involving particulars, and detail, as is the distinguishing characteristic of the questions submitted to courts of justice; and the result must be imperfectly arrived at. But take a body composed of men *not* able; and a few active intelligences will govern the rest, who might as well be anywhere else for all the good they do. The impulses governing such a body must be passion or prejudice, and the checks indifference or indolence. Each of these will and do operate by turns; and it belongs to the doctrine of chances, to determine which shall be uppermost on any given occasion.

If a public prosecutor were employed, the proceedings before the grand jury might be better regulated. But there does not appear to be much occasion in any case for its assistance; especially if there were such an officer. The preliminary proceedings before the magistrates would be much aided by his superintendence; and if the investigation there were complete, the case might be safely left to the petty jury, without the intervention of that called grand. In early periods such an institution was possibly indispensable. The public voice had not the powerful agency of the Press to make itself heard; and hence the interposition of some authority between the criminal and the court, by whom the former should be tried with a view to immediate punishment. It has become questionable whe-

ther grand juries do not render justice more uncertain, and whether many cases are not smothered after a partial and inadequate inquiry. The rule is good, always to suspect the 'higher orders;' and the higher, the more. They live only to pervert justice and right, to the interests of their own class; and if any good is got out of them, it must be gotten with a screw.

In respect to grand juries there is yet another matter of a singular sort to be remarked upon. The constitution of the grand jury is very anomalous. At the assizes it is composed of the leading men of the county; but at the sessions, where these men are to preside as magistrates, a second-rate class are found to form it.

If this distinction were traced out, it would lead to some curious conclusions as to the character of the different tribunals to which these respective grand juries are subsidiary. One of these, and that not the least is, the precise distinction between the objects of the jurisdictions of the assizes and the quarter sessions; and why one should require more or less ability to preside over it, than is required by the other. In truth the quarter sessions is a species of statutory fungus, grown up and enlarged in modern times; a sort of multitudinous impersonation of the magistrate solus,—governed by the same conceit, the same ignorance, and appointed for the same qualifications. Whatever evil there is in the single case, is multiplied in the aggregate one; and it is one of the matters to which Radicalism must direct its eye, as a source of hostility to all attempts at legal reform. The position and aspect of power and pomp which attend the presiding at sessions four times a-year,—the glory of the petty sessions, and the worship thereby secured,—are matters of too much moment in remote districts not to be struggled for by those who possess them; and this creates a sympathy with the sinister wishes of the lawyers, and renders their opposition to the Law Reform more powerful than it would be if the country gentlemen could feel with the men of the towns. But it is not in the nature of insulation and monopoly, to be otherwise than selfish and self-aggrandizing; and therefore, till the apple is ripe to rottenness it will not lose its hold, unless it is plucked in the mean while.

At present the matter is thus.—The magistrates make the law,—the magistrates execute the law. Now it is not good in a free country that such power should be in the same hands unless there be responsibility; and there is none. The notorious enemies of the people make the magistrates; who are approved by the quondam people's friend, the present Chancellor. Is there hope of these things wearing out? Why should the poor

man, who if found guilty is to be punished with a few months imprisonment, or with any punishment short of transportation, be tried by a judge of inferior skill? Has he not an equal right to be patiently tried as any other?

The quarter sessions have been brought into vogue as the means of evading attempts to mend the dilatory and barbarous method of circuits, which must otherwise have been made more rapid as the business increased; and the House of Commons, composed of magistrates conceiving, as is testified by the self-complacency displayed in the debate on the repeal of the Septennial Act, that all excellence resides in them, have not discovered the inefficiency of a tribunal of which they form a part. But spectators of their proceedings have found less cause for gratulation. The country has no confidence in them; or more properly, it has less confidence than in other branches of the administration of the laws. A judge of assize may happen to be viewed as the agent of the richer classes sent to work their will upon the poor; but the judges at the quarter sessions are viewed as the rich come to do their business for themselves.

Now this court, judges at one time, at another jury, plays its part in both with equal fitness. It is content to take the second part at one time, that it may be first another. This did well enough in Tory times; but surely men are not to be appointed judges or jurors for all time because they have so many acres; and yet so it is.

But to return to the quarter-sessions Grand Jury. As the cases are supposed fit for less fit judges, so are they also fit for less fit jurors; the scale of the tribunal is lowered to the scale of the punishment; there is degree and subordination in these, answering to the degrees of rank in the quality of the subject matters; and the parallel is yet further carried out, for the poor criminals here are served with inferior advocacy,—it is here that the young lawyers are sledged. Most truly it is a wise system, ordained with precise adaptation to the exigencies of the case.

But worse than all,—the rich man is made the poor man's judge. It is his quality of rich man that makes him capable of the office. Can this be right in the sight of the poor? It is pity but they were asked. Is it prudent to prostrate them before the man, who may be their enemy or their enemy's friend. Yet such things are. The judge in the courts at Westminster, is not appointed for possession of riches; it forms no part of his qualification that he shall possess so many acres. But here it is not only provided, that there shall be one law for the rich and another for the poor, but in many cases it is to be *executed* by the former against the latter. Is it wonderful, that

the poor man should deem the rich man his enemy? And is it it wise, on the rich man's account, to continue this?

But the most disgraceful part of the criminal procedure is the trial. The indictment is couched in terms unintelligible to the prisoner and the audience; it is a tissue of barbarous exaggeration; and the court is often interrupted by discussions on quibbles highly derogatory to its reputation for fair dealing and common sense. The indictment ought to be a clear simple statement, in the plainest terms, of the actual case; such a statement as a man would draw if he were about to consult another upon it; for a man would be thought nothing short of a madman, if he were to put his case to a lawyer in the shape of a pleading.

Beyond this plain and intelligible statement, there should be no other by counsel or by judge. It should be sufficient to put the case with its real bearings before the jury; then should follow the evidence, and afterwards the counsel on both sides should speak, first for the Crown, then for the prisoner. This prevents any party leading the evidence, so as to supply impressions to the jury by which they shall interpret it; while it also prevents false statements of the evidence that is to be brought forward.

Again the counsel on both sides, after all the evidence has been given, should have a fair opportunity of showing the contradictions, the exaggerations, the explanations, the omissions, which may have arisen on either side.

The present Chief Justice of the King's Bench, when at the Bar, recommended a practice of this sort as the fairest to all parties; and the Law Commissioners made a somewhat modified suggestion to the same effect. It is plain, that until it be adopted both in the criminal and the civil courts, there must be a wide field for chances, and, in the former case, of frightful risk. By and by perhaps our senators will discover the reasons in behalf of the right of all prisoners to have counsel. Be it desirable that the guilty should be punished; still it is desirable also that the trial should be conducted with something like fairness. Nothing should appear to be wanting to give the prisoner a full opportunity of proving his innocence of the charge. No rule of evidence should be strained against him. On the other hand, all quibble and mere evasion should be as much as possible discountenanced. It is absurd to allow of an acquittal on mere technical grounds, unless they have been such as might, without straining, be presumed to have taken the prisoner by surprise, or to have deprived him of the opportunity of bringing his case fully before the court.

But above all, full time should be given for the trial. It too often happens on a late day of the Assizes or Sessions, that the trials are much hurried. Nothing can be more revolting. It is a disgrace to the Courts, and to the much boasted honour of the Bar. A record of the numbers tried, and the length of time occupied by their trials, would furnish a sad picture of the administration of English justice. The feelings of all professional parties engaged, it is to be feared, like those of persons injured to pain and suffering in other occupations, are much weakened; the sensibility of the public, therefore, must be called in aid to check the fearful tendency. Everybody knows in affairs of far less pressing moment, how much is forgotten in hurry,—how confused, too, ill-regulated minds become in such circumstances; hence a witness may speak too strongly, or too partially;—the prisoner may forget some important point, arising out of the evidence and circumstances of his trial, most favourable to his defence, and when all is over, the redeeming facts may be brought back to the mind with the painful consciousness that it is too late. That much of this will happen when trials are conducted without the least hurry, is no sufficient reason why such mischances should be multiplied by hasty procedure.

The tone of the Court and the Bar,—of the one to the prisoner, and the other to the witnesses,—is also very unseemly. Contrary to the maxim of English law, that men should be deemed innocent till found guilty, the practice seems to be the reverse. It may not be possible to avoid the impression altogether; but it is an evil, and one made more glaring from the not unfrequent evidences of a contrary impression where the prisoner is of the same class as the judges, or is handsome, or has what is termed a prepossessing appearance, or otherwise favourable aspect. The poor, who are shrewd observers, must perceive this; and were no other wrong done, the pain thus excited ought to be sedulously avoided. In the inferior courts, this unfavourable impression against the prisoner is still more common.

With regard to the judge's summing up, there is no reason why the judge should cease to state the case impartially when the prisoner has counsel. In all cases his office should be purely ministerial; he is to sum up the evidence, and declare the law.

The most difficult and painful duty of the judge is in determining upon and passing sentence. All delays ought to be avoided. It is impossible that suspicions should not arise in the criminal's mind of the justice of the sentence, or of the interposition of unseen influences, when, as in the case of the

Dorsetshire labourers, a delay of a day or two takes place between the trial and the sentence. No private gentleman would like to be transported for seven years, by a judge, or under a law, where it took twenty-four hours to tell whether he ought to be transported or not; an honest man would not hang his dog on such authority. But here again there is cause to lament the want of a code of penalties applicable to all offences, admitting, through a gradation of penalties, of a more exact adaptation of the amount of punishment to the degree of offence. Indeed the whole question of penalties should be brought under the notice of the legislature; the thing called law as it exists, is a collection of traps made by the rich to catch the poor. Without just notions on this head, it is impossible that the criminal law should be sound in principle, or, as the criminal law of a country should be, suited to the circumstances of its people.

But the grand vice of the state of criminal judicature in this country, is the want of an efficient Court of Appeal. What scheme now exists is twofold. If a matter of law be in question, it is referred to the Court of King's Bench, or the twelve judges; if the punishment be supposed disproportionate to the offence, or there are circumstances of mitigation, the remission or reprieve is within the province of the Home Secretary. But there may be instances where the punishment, as in cases of death, follows so quickly on the heels of the trial, that a blunder is discovered when it is past cure. If a question of property is in dispute, the law provides a series of Courts of Appeal, to which the matter may be carried in succession, till even all the property is consumed; but in cases of life and liberty, it is discovered that such indulgences would too palpably interfere with the object of a criminal judicature. But does this not suggest instruction, that all the proceedings from the commencement should be so cautiously pursued, that there should be little room for revision in later stages? The rapidity that is wise and good when the most important interests are at stake, viz. life and liberty, ought surely to suffice when the inferior interest, property, is the only question. But it is not so; the common-eagerness for wealth, in a rich country, has altered the rule of proportion, and property supersedes all other considerations. To hang a poor man by mistake, is rated at one fiftieth part of the evil of making a rich man uneasy about a point of property, though it should be set to rights afterwards. This comes of the stupidity, of allowing the rich to make laws by themselves. The decisions of the twelve judges have been very various and contradictory; and have the still further evil of being discussed in private. If on matters of property the court ought to act

under the public eye, how much more, peremptorily is it demanded, that where pain and punishment and death, or banishment from home and kindred, and the blasting of reputation, hope, and prospects, are the award, the conduct of the judges should be exposed to the severest check.

The plan for establishing a metropolitan criminal jurisdiction is good in this point of view. It will sit monthly, twelve times in the year. It had been better that it should have sitten always. Why should not a Court be always sitting, as well as a Custom-House? If it is too much for one set of men, change them, as you do the sentry at the Horse-Guards. A Court of Criminal Judicature constantly in action, with an active police, would strike more terror into the minds of thieves, than merely hanging a few and suffering the greater number to escape.

But the measure has the greater beauty, of offering a feasible scheme of appeal from the Justices of the Police Office, whenever sufficient light shall have come upon the legislature to discover the wisdom of such a plan. Can anything be more absurd than the mode of appeal from the single Justices to Justices at Quarter Sessions? Who has not seen the eagerness to cover the blunders of a fellow-magistrate;—and then the incompetence and vague responsibility of the Bench? Truly these things are ordered in goodly fashion in this free and enlightened country. If the chattering good-humoured plethoric alderman, or the bustling self-sufficient justice, felt that his conduct was open to instant appeal, would such things be, as all the world knows of except the men at the Home Office? There are two impediments now to the well-doing of the police offices. There are practically no sufficient means of appeal, and so an individual is injured once and for ever. And the magistrate is not removable; at least it would so appear, for none *are* removed, though the occasions calling for the exercise of such power have been many and striking.

If a regular system of appeal were established, some criterion of the fitness of the magistrate might be found. He might, too, become sensible of his existing under the public eye. What is now done is but little known, though its nature may be guessed by the instances which sometimes appear.

But what is the constitution of this Criminal Court. A Commission is to be directed to the Lord Mayor for the time being of the City of London, the Lord Chancellor, all the Judges of the Common Law Courts at Westminster, the Judges of the Court of Bankruptcy, the Judge of the Admiralty, the Dean of the Arches, the Aldermen of the City of London, the Recorder, the Common Sergeant, the Judges of the Sheriff's Court for the

City of London, and any persons who have been Lord Chancellor, or Lord Keeper, or Judge of any of the Superior Courts of Westminster, together with such others as His Majesty His Heirs and Successors shall appoint. But wherefore so many, to do the work of one? It is not necessary that the old-fashioned terms recorder and common serjeant should be retained; nor does there seem to be especial reason to continue these officers in their present state, because the time was, when the whole matter was part and parcel of the city corporation. Why should there not be one Court, presided over by one judge of the land, and sitting from one end of the year to the other? Why should there not be a criminal court of appeal from all the criminal jurisdictions throughout the country? If uniformity, concentration, and regularity, be required in London, then are they not *less* but *more* required in other parts of the country, where local opinion is less powerful, and the infrequency of the sittings of the courts is apt to lead to looser practice.

But the most obvious question that arises upon this proposed amendment is,—Why, if in London the court shall sit nearly the whole year round, should the Assizes be held in other parts of the country only twice a-year, at the most pleasant periods for the country jaunts of the lawyers and with varying intervals of four and eight months between each other, and the quarter sessions only four times? Might not the local courts be made to come in aid of an improved plan, that should supersede the strolling visits now called circuits?

Should not a man charged with crime, yet innocent, be discharged as soon as the charge can be tried and his innocence proved? Should not the public have the benefit of a prompt decision, and the early infliction thereupon of the punishment on the offender, so that the chances of escape might be less calculated upon?

But all is not done when there is an appeal to the judges on matters of law; the appeal to the Crown for mitigation of punishment, or commutation, or reprieve, requires to be looked after. The whole matter is a fiction now. The Crown is the fountain of mercy; to the Crown therefore must be given the power of suspending the operation of the law, where clear proof of offence has been given. The Crown is the fountain of honour and reward; to the Crown therefore must be given the power of rewarding profligacy. One of these fictions and the inference from it, is as good as the other. When shall we escape from these Whiggish evasions? The King is but the grand steward of the empire, bound to exercise his functions for the public good. But what has the King to do with the

matter? It is an affair of his ministers. [Accordingly the real control on these matters is with the minister for the Home Department. But here is anomaly again. The cases of the London prisoners condemned, are reported to the King. But what is done with the criminal condemned to death in the country, if the judge should not happen to find reason to suspend the execution of the sentence? he is condemned to death without report to the King. So that in every way there is anomaly. For London there is a privy council to receive the recorder's report; for the country there is none. What is the rule or principle in these things? One is right, and the other wrong; both cannot be equally sound. Why should not every British subject in like circumstances have the same opportunities of proving his innocence? Does locality alter the nature of his position? If there be right in the scheme of administering mercy, why should not the investigation on which the reversal of the judicial decree is founded, be as open as the original trial? Shall publicity be resorted to, to check the judge in the administration of justice; and secrecy cloak the beauty of mercy? In spite of all that Whig or Tory may say, the entire system is placed on no foundation. It is a thing of time and place and circumstance, and rests not on any law of reason, that men may appeal to as their rule, and arbiter of their fate. How can justice be respected, if it be a secret intriguer in the bye places of a court? Why all the solemn and deliberate parade of a formal public trial, if a man in his closet may overthrow the decision which is the result of it?

Taking the system then all in all, it wants mending throughout; and it will not do, to mend that which comes under the eye of the public in the metropolis, in order to conceal its enormous defects elsewhere. Before Lord Brougham's Bill was adopted, there ought to have been an inquiry into the present state of the criminal judicature in all parts of the kingdom; in England, in Scotland, in Ireland; in the metropolis, and the provinces. The Parliament has done but a small matter in passing this bill; yet nobody would be disposed to receive it in other mood than of sincere rejoicing, if instead of being made an earnest of future good, it were not more likely to be made an excuse for preserving evil. Therefore must the half-thing be received with a vigorous protest; and the more so, because the patchwork reformers do not promise the opportunity of dove-tailing upon their works the better parts of a good system. They are like mud houses built on the intended site of palaces, and which must be pulled down, and the inmates be left houseless till the substitute is erected.

When all practical measures have been adopted for ensuring the most patient and thorough trial of offences,—and the good working of subordinate parts of the machinery of criminal judicature has been secured by an efficient scheme of appeal and supervision,—there are still some important governing incidents that deserve improvement.

The first and most remarkable, is the fixing on prosecutors in many cases the costs of prosecution, at all events in the first instance. The sacrifice of labour and time which must be expended by a person prosecuting, must in all cases be great, and in itself costly; but the disbursement of money may amount to an intolerable charge. If an individual overcomes the reluctance to put himself forward, in a work at all times painful, he should be released from further charge, and still more from the burden of managing the case, with the repelling chance of having it dismissed by an impatient grand jury. The appointment of a public prosecutor might furnish some means of adjusting the difficulty. It should be his office to superintend the examination of the charge before a magistrate, and if he thought fit, to file an information; but if he thought there was no ground for the charge, the party might still be at liberty to prosecute at his own risk. In the latter case no costs should be allowed, unless a verdict was obtained; in the other the prosecution should be at the public charge.

Again, in all cases without distinction, retribution should be afforded to the prosecutor, to the extent of his loss, if the property of the criminal was sufficient to satisfy it. The rule partially obtains now; but in some cases,—particularly in the most numerous class of criminalities, frauds,—it does not hold, because the statute says nothing about it.

Further, after the means of the criminal had satisfied the claims for retribution of the prosecutor, the public claim should be met to the extent of such means. First, the costs of the prosecution should be paid, and then a fine answering to one-half or a whole day's expense of the court; taken, however, at a low rate. But the better plan would be, to revert to the old rule, of imposing upon the jury the duty of amercing the fine according to the position and means of the party. There seems no reason, moreover, why the property of a felon, which is now seized on behalf of the Crown, should not be taken by the county, on whom the burthen of the criminal charges of the county falls.

It has long been a boast that the judges are limited in the power of inflicting punishment; because, forsooth, it was in the cases alluded to, determined to be fine and imprisonment. But

as the quantum of the fine and the imprisonment are to be declared by them at their discretion in many cases, there is practically no limitation. It does not, however, appear impossible to arrive at a pretty fair criterion.

A man is rich or poor; dependent or not, upon his daily industry.

Suppose in the former case, the fine should be taken (as it might be) according to the scale of the man's income; as, for example, say the penalty shall be one day's income, or more. The law should declare the offence, and then the degree of pecuniary fine to be imposed according to the income of the offender. The only question in any case would be what is the income; and this might be decided with less difficulty than is supposed. The parochial assessments, the tax assessments, might be produced; and where these failed, evidence should be given, as in the cases of actions for breach of promise of marriage.

The lovers of English practices may exclaim against the apparent complication; but there is precedent for it both in old times and modern. In Scotland at this day there is one form of action, at least, which combines four results. 1. Reparation of damages to property. 2. The penalty or public retribution. 3. The solatium or private damage. 4. The palinode, or public acknowledgement or apology.

It might be so in all criminal cases, changing the first issue to one of guilt or innocence. The variety of issues, each being taken separately and being consequent on the first, would not add to the difficulty, but would probably by dividing the points of inquiry elucidate them. It is not uncommon to have new incidental issues; such for instance as the insanity of the criminal. The combining with the other points the solatium or private retribution, is a matter suggested by the clumsy method now occasionally resorted to, of withholding judgment (as in cases of assault) till the party prosecuting has gone out of court with the prisoner, in order to adjust the difference by bargaining for a personal recompense;—an evasion of a rule which forbids such tampering, in spite of the manifest wrong often inflicted. A poor man, according to the theory of the English law, is to be prompted by the public good to prosecute for an offence, where he, the greatest sufferer, has not only suffered already, but may suffer a greater loss, for which the public has given him no remedy.

Let the motives which might induce a party to make the machinery for the public administration of justice an engine on behalf of his cupidity, be subjected to check and control; but

do not for the occasional abuse, deprive the public of its strongest aid to put down crime, viz. the strong personal interest of the individual in the given case ; especially when every statute teems with offers to the informer to share in the penal plunder. Contrary to the evident policy is the British practice. Annoyance without end attends the party who would attempt to convict a thief. Attendance upon attendance is requisite at a police office, which is so loathsome, from its confined and crowded state, that the toughest sense can hardly endure it. Then when after tedious waiting the case comes on, the intemperate magistrate insults the prosecutor or the prisoner as the chance may be ; and if it be near dinner time, despatches abruptly a case which has involved party, policeman, witnesses and all, in great vexation and trouble, with the cry ' Cut the Gordian knot, and have done with it*, ' and the undoubted thief is let loose, and if complaint be made at the Home Office, no reply is vouchsafed. If the thief be convicted, then is the prosecutor bound over to attend at the sessions ; and without place of waiting, and losing day after day of his time, he may find that his expenses are not allowed. It is impossible that these and other drawbacks should not concur to prevent persons, not inured to weathering the crowded bye-places of courts of law, from encountering a task in itself repugnant to their feelings.

But it matters not ; when Peers and Members of the House of Commons frequent these places, they are seated on the bench out of the reach of the annoyances, and then in the full blaze of admiration they are ready to burst with eulogies on the wonders they behold. Let them thread the obscurer places, as witness or as prosecutor, and they will wonder that people who endure such things, are so patient.

But the grand and most remarkable improvement would be, that the jurors should be elected. Everybody knows within the circle of his acquaintance, many men whose natural talents and attainments mark them out as fit men for the office. Perhaps they have not a rood of land, or are lodgers, yet all who know them would prefer a judgment from such men, to one from the mere man of possessions. It might have been at one time a good, perhaps the best criterion of a man's fitness, that he had wealth in land or goods ; but now the tables are turned, and the intelligence is often to be sought in vain among the rich, while it blazes forth among the other classes, whose faculties are sharpened by constant use and observation.

The post of such a juror would be considered as one of the highest honour ; and being elected on account of characteristics

* Founded on fact.

in themselves honourable, and for responsible duties, a degree of respect would be entertained for such men, that would give them considerable importance among their fellows. Even the most ignorant would discern the value of the requisite qualifications. The test of property for such a case, is barbarous. It has no necessary relation with the subject. It is no test of fitness in the individual case.

The same right of challenge might be given as exists now, the same scheme of selecting by ballot, and the elections might take place at long intervals; all of which would prevent collusion, and the packing of juries for special purposes. Again, they might be elected from the inhabitants of an extensive district, so that local feelings might be neutralized by an infusion of more general predilections.

If there be effectual Law Reform and Local Courts, a reform in these respects there must be. The burden is too great for the few who are now the jurors, and they are not always the fittest men. And of this, who shall decide; the authorities or the people? It is needless to travel over the whole subject in detail; each part requires alteration, and revision, and repair. Our condition just now, is that of a man who has taken an old house, and having indulged himself with one or two attempts at improvement, finds that the easier course would be to pull down the whole building, and rebuild it after a better plan. Whether the country will be guilty of the common folly in such circumstances, of extending these attempts to the full cost of the new structure, is a matter not to be doubted as long as the Whigs are the architects. In the only case in which they have worked upon the results of the labours of a Commission, they have abandoned the best parts of the advice received, and so clothed the measure with unpopular conditions not necessary to the object, as to destroy the practicable palatableness of it. They are of the class of persons, who can never see the wall before them till they have knocked their heads against it. Gradually they are reaping that degree of favour among their own supporters in the House and elsewhere, with which the timid and the servile always requite the mistakes of their leaders, when their ultimate failure becomes apparent. The whisperings are growing loud among their warmest friends; and nobody is at the pains to deny the imbecility and unfitness of a government divided against itself, the people, the crown, and the Tories. It is the image of iron and clay. It has the elements of strength, and the composition of weakness. The strength is made weak, the weakness insuperable, by the alliance; and to the destruction of every reasonable end and object of the combination.

ART. VI.—1. *Bill for the Commutation of Tithes.* Session 1834.

2. *Registry Bill.* Do.

3. *Bill for the Admission of Dissenters to the Universities.* Do.

THE question of Church Establishments in alliance with the State, has arrived at that stage, which at once calls for, and makes seasonable the laying down its foundations and determining its limits. All questions that address the public attention, are at starting, put forth somewhat vaguely; a grievance, an anomaly is discovered, petitioned against, and sought to be remedied in vain. The search for reasons, which must be brought in aid of the controversy in order to influence the public mind, leads to the detection of other irregularities in which a different part of the community is concerned. The common interest produces an alliance offensive and defensive among the aggrieved parties, whose ranks are swelled from time to time by the accession of fresh recruits, stimulated to the same course by similar oppressions and denials of justice. The desultory nature of these operations, the varied sources and peculiarities of grievance, lead to a multifarious and irregular species of warfare, until the strength of the resources and the relations of the common question are fully known.

Of this sort have been the discussions on the Church questions. Toleration and Catholic Emancipation formed the vanguard; the practical grievances of the Dissenters have now followed, with what success the events of the last Session have shown;—a success as great as might have been anticipated, from the imperfect understanding of their own question by the Dissenters themselves. The Ministers knowing no principle but the instant necessity of their position, had struggled amidst the inconsistent claims of all parties, and their own ignorance of the right course of action, or fear to act upon the right.

But there is one result from all this, of far more value than the success of any particular measure to cure a practical grievance. The whole question has been tossed to and fro,—mingled and mangled,—made unworkable on any scheme of half policy,—and so thrust under the sluggish senses of the public, that it were in vain to hope to escape the feeling of its enormities. It will be dealt with and removed;—but what shall be the nature and order of proceeding?

In the course of the last Session, there have been introduced Bills for the Commutation of Tithes; for the removal of the Jewish Disabilities; for transferring from the Clergy of the Church to other functionaries the office of registering the Births,

Deaths, and Marriages of people of all sects; for giving the right of being married by their own clergy, to people who do not belong to the National Church; for destroying pluralism, and enforcing residence; for removing the Bishops from the Lords; for the better Observance of the Sabbath; for legalizing Religious Assemblies of a given number, in places not registered; for the admission of Dissenters to the Universities; for abolishing Church-rates; for refusing the grant to Maynooth College; with others of a similar sort. It was good that the main question should be discussed at every point; in order that its multitudinous character, coupled with the strong resemblance which all parts bear to one another, should provoke an analysis of the substantial nature of the whole.

Then, first of all, what has the Legislature to do with religion at all, except to protect men in its peaceful exercise? Shall a body composed of every shade of belief,—Infidels, as the clergy complain huge numbers of the educated classes are in their hearts, Church-of-England men, Catholics, Presbyterians, Dissenters of all sorts, decide upon—what? The religion to be established in the country. And by what law shall the individual enemies of the Church, chosen by the people among their Representatives, having freedom of speech, bound by their consciences as well as by their pledges to their constituents to do right,—what to *them* appears right,—how shall they be hindered from constantly assaulting the Establishment? By what means shall the number of Members antagonist in sentiment to Church-of-Englandism, be kept within a minority? If the people will, that there shall be a sectarian and heterodox House, who shall say that the Establishment shall endure? The thing has gone too far to be held together; to do any good, it would be necessary to try to strip all the heterodox of civil rights; and then the orthodox would be beaten to chaff. Now what is the matter at issue? The Church clings to the Union of Church and State; which is the worst policy on its own behalf. The Dissenters, to whom it is for the same reason the best, repudiate it. The downfall of the Church is prophesied by the Church, if men who are its bitterest haters, and will be reinforced by other bitter haters, put it out of the reach of their meddling; and this prophecy is made by the men whose interest should lead them to seek the severance, before the Dissenters shall be stronger, and with their strength shall acquire an increased will, to give effect to it for the undoing of their opponents.

If the Churchmen were wary and honest in their fears, alive to the signs of the times and the changes that are to come, they would entreat the re-establishment of their Convocation, with

the power of regulating their own affairs which belongs now to the poorest and feeblest sect that exists without its pale. They would implore the revival of the old power of electing their bishops and clergy among themselves, without the insidious help of the State. They would beg that the property which is theirs by prescription or gift,—theirs according to notions which till now the people have tenderly regarded,—shall continue to be theirs in a new state of distribution, after the present incumbents have passed away. They would have sought the power which the Scotch Presbyterian Church has, of dealing with its members according to their deserts. And as worldly men valuing the possessions which they hold on so slight a tenure, they would have enforced residence, and discountenanced pluralism, as opposed to the common-sense notions of the people.

All this, or something of the same nature, would have been the tactics of politic men, if the fleshly lusts and the pomps and vanities of the world had allowed fair play to their discernment. But it is a law of nature, that mere wit or knowledge availeth nothing, without a mastery over the physical temperament; and habit is like a mighty monarch given to his own way, who nods assent to the suggestions of his ghostly adviser, but proceeds straightway to do the bidding of his nature, for very lack of power to second in action the sagacity of his mind. As in the days of Rome when Luther denounced her corruptions, so in these days, there is fear and trembling for consequences, but the hand will not quit its hold on the money-bags, though the earth quake, and the towers of the Church threaten to fall on the heads of its incumbents. This is the curse of a life-holding priestcraft, not bound to posterity by the claims of inheritance. It is notorious in the history of the Church of England, that the interests of successors have been constantly sacrificed for the personal advantage of the holders. There are many statutes to attest this inherent rapacity, if proof were needed. But what would be said of a scheme, that should propose to give life estates or freeholds to the Ministers of State, which though profligate and open renouncers of their duty and their honour, they might continue to hold in spite of the people's teeth? Or what would be said to a claim on the part of the Colonels and Officers of the army, to hold their regiments whether the country would let them or no? They would soon be told, that however dear their commissions may be to them, they were given and continued by the country's will, and though the actual incumbents shall always have gentlemanly treatment, the country will laugh to scorn any pretence to deny the right of interference.

But it is a Corporation forsooth, and holds the property on the same tenure as that on which individuals hold theirs,—and if the sacred right of property be disturbed in the first case, the rest of the people are told to be aware of what must happen in their own; and then sage reference is made to the French Revolution and its enormities, which commenced with the confiscation of the Church property, and was followed by the confiscation of private property. Now it must be admitted that there is danger if such reasoning should prevail with the public;—there is danger, if it should ever come to prevail as a ruling idea among the people, that Church and private property rested on the same foundations;—for then, seeing on how slight a basis and on what conditions, and to what ends the property of the Church was held, the ignorant people so deluded, might come to think no better of the rights of private property. It is, then, of the utmost importance, that there should be riveted in the people's minds exact notions of the distinctions between the two,—of trust property on the one hand, held so long as the office shall be executed usefully for the public,—and private property on the other, purchased with the hardly-earned produce of labour, made less profitable by excessive toil, by bad legislation, by heavy taxes, and by Corn-laws to keep the country-gentlemen. If the people should, after long denial of just claims, act as the misguided and irritated French populace did, some palliation might be found for their extravagance in the ignorance fostered by taxes on knowledge, and the denial of national education. But in truth, there is no fear of such things here. The world has lived nearly half a century since that time, and has it not profited by the lesson? Passion, agitation, the rousing of the popular strength just to that pitch when factious men shall allow their fears to see that justice must be done, is all that is needed. If the thief knows that the great dog is loose and awake, he will withdraw till more favourable times. By the help of the Press there will be no want of watchfulness.

This matter, then, of Church property must not be discussed as if Church had art or part in it. The chief care in this direction, is the preservation of the property for State uses. Then, if the Church have an affection for the State which forbids its divorce, it must needs fall in with the arrangement which the Monarch, its avowed head, has already adopted. Its lands and possessions must be given up, and the servants of the public be paid as other servants are,—according to the measure of their service. Let there be a Clerical Budget; so many Bishops, so many Deans, Archdeacons, Rectors, Vicars, and Curates;

and let the estimates be voted in due proportion to the exigencies of spiritual warfare. In truth the whole question is, where the sovereignty shall be placed.

Church and State;—this order of precedence was borrowed from the state of things before the Reformation. As the Pope of Rome claimed the sovereignty over all temporal monarchs, the Church does the like; possibly after a quaint notion of the schoolmen, that being spiritual, it should hold that sort of supremacy which mind has over body.

But having come to this point, that the clergy should be paid according to the service,—it is reasonable to ask whether the service is requisite, or what all men require in the particular shape offered; and if there be a competition of service of different shades of difference, whether all, or any, or none shall be accepted. Who shall decide which is the most proper? In the Law it has been found that the technical forms required by the different Courts of Justice, have little relation to the end, which is justice,—and that they all claim to give justice in a different way and equally good, though the means are often vastly obstructive to the end. Now of all the different technical rules of sects, it is difficult for an honest man to decide which is the best, or of their degrees of excellence; and the difficulty is increased by the want of arbitrary rules such as obtain in law, to which the judge can refer in doubtful cases. There is in fact no judge competent to declare in favour of any party; and what the most accomplished, sagacious, and impartial judge must fear to decide, shall a body of men, sworn to opposite creeds, determine? It is so absolutely absurd, that none would plead for it. Where one or two sects, or three or four, prevail,—as where Catholicism and Protestantism are alike established,—the priests of both sects may be paid by the State; but shall the State pay for all sects? How is the supply to be regulated, where the demand cannot be determined? for some sects may be so split up for the private emolument of adventuring teachers, that the land would become one-fourth priests. It cannot be done in this way nor in any way, and the matter must in spite of all that may be said to the contrary by those who argue for the necessity of an establishment because there is not a natural demand for religion, be left to its own course. Already there is more demand for religious instruction than the establishments have supplied; which, like the ancient abbeys, are always to be found in rich pastures. In remote places, where none but Apostles or Missionaries would preach because there would not be room to wax fat and comely, churches are not found. Hither sped the Dissenter, and won the heart of the neglected peasant. The

proof given by experiment is, that Establishments are not the best instruments of propagating, but the worst. They are weapons, as the Orientals say, fit only to cut butter; and in nothing but butter will they cut. They have not the principle of progress; it is the policy of their leaders to check all energy over much; new advances are dreaded as disturbances of the ancient faith; and accordingly the Bishops have set their faces against the creation of chapels, lest they should fall afterwards into the hands of an enemy.

An Establishment is also the parent of sectarianism; it creates and foment divisions. The founder of the Christian church sought to unite all in brotherly love. But the English church will not admit the halt, the lame, or the blind; nor indeed any, whose limbs, features, gait, and manner do not conform to its own patterns, which like the ancient standards of coins and weights and measures, vary in every diocese and every age. Everybody must recollect the vagaries of the Bishop of Peterborough some twelve years ago, who pushed hard his own views of the thirty-nine Articles, from which his colleagues and predecessors differed. The Bishop of Exeter sometimes pursued a conduct scarcely less arbitrary.

In no way does the Establishment fulfil its avowed purposes. Even within its own body there is a loud cry for reform; and sects, Evangelicals, Latitudinarians, and Indifferents, lodge therein like the parasitical animals that eat up the carcase of their nurse. Its clergy, instead of being more enlightened than their flock, are often less so. Above all things, they have the reputation, of being in the main the disciplined agents of misgovernment, the first everywhere to originate or promote the misleading of the people.

The Presbyterian Church of Scotland has gained some reputation for sobriety. Its revenues do not attract the luxurious, because they do not afford the means of indulgence. Even there, an outcry is raised against the evils of an Establishment which does not grow with the demand for its extension, and is lukewarm, as well as sober, in its ministrations.

The great question is, why any religious opinion is to have the superiority over any other, longer than it can maintain it by club law. The country is arrived at the point, where there is some probability of the question being tried. Let every man who is ready to agree to the civil equality of other religions with his own, file off to one side, and wait for the moment when every man's hand shall be against the residuum that would not join.

ART. VII.—*Disertacion historica sobre los Archivos de España y su antigüedad, con algunas reglas para su coordinacion.* Historical Dissertation on the Archives of Spain and their antiquity, with rules for reducing them to order. By Don Francisco de Porras Huidobro.—Madrid; 1830.

PUBLIC Libraries in Spain are an institution of considerable antiquity, and perhaps a Spaniard* may venture to say that his country was the first in Europe that saw spring up on her soil an invention of such importance. The Peninsula having been occupied for the period of eight centuries by a nation attached to arts and sciences, and who cultivated letters with the same zeal and fervour with which they carried their victorious arms to the extremities of the earth,—the Spaniard, lively, ardent, gifted with an imagination quick and enterprising, and separated by his religion rather than by his habits from the follower of Mohammed, imbibed early that love for literature which distinguished him from the rest of Europe in the 16th and 17th centuries. To no other cause can this superiority be attributed, if it is considered that, notwithstanding the scanty protection granted in those times to any kind of studies, and the irreparable barrier which the Inquisition and despotism opposed to the imagination, the portion of Spanish literature which belongs to these two centuries is comparatively much richer than that of any of the other European nations. The thousands of manuscripts which are preserved in the public libraries and private collections of Spain prove, that not less ambitious of literary fame than of military glory, the Spaniard knew how to handle at the same time the lance of Minerva and the lyre of Apollo.

A hundred and seventy years after the Hejra or flight of Mohammed, Abd-ar-Rahmân ben Moaire ben Hâshim called Al-Adaghel or the Intruder, the last survivor of the persecuted and unfortunate family of the Ommiades, succeeded in escaping from the vengeance of the Abbassides, and assisted by some tribes of Berebers, snatched from the caliphs one of their richest provinces. This prince, the founder of a powerful dynasty, and who, with more policy and less ardour, would have destroyed for ever the feeble relics of the Gothic monarchs, transmitted to his son, Hâshim I, a powerful empire, which comprised part of France, and all Spain with the exception of

* This Article was received in English from a learned Spaniard in Madrid, and is published with little verbal alteration.—*Ed.*

some mountainous districts on the shores of the ocean and here and there a castle occupied by the successors of Pelayo. Hâshim I, Al-Hakem I, Abd-ar-Rahmân II, Mohammed I, Al-Mondher, Abd-Alî, and Abd-ar-Rahmân III, followed the steps marked by their ancestor, and preserved nearly intact during a space of 279 years the empire of the Ommiades. Rivals of the Abbassides, these princes declared themselves, like them, the protectors of letters; and if Haroun-ar-Rashîd, and his Vizir Khâled ben Barmek, have merited the names of the Augustus and the Mecænas of Asia, no less so in Spain have Hâshim and his famous Hâjib or Prime Minister Al-Mansour. But Al-Hakem, who reigned in Cordova about the year 366 of the Hejra (A. D. 976.), gave the greatest impulse to letters by his decided protection to all the branches of human learning. Ibn al-Abar of Valentia,⁽¹⁾ an author who wrote about the year 600 of the Hejra, in his biography of illustrious men called 'Book of Supplement to the Book of the Gift⁽²⁾', at the article 'Al-Hakem' speaks of him in these terms.

'This Prince was extremely fond of letters, and during the life of the King Abd-ar-Rahmân his father, all his time was occupied in assembling in his house the wisest men in Cordova, and in conversing with them upon literature, discussing historical points, criticising impartially the works of the day, and giving premiums to those who most distinguished themselves in poetry, in mathematics, or in medicine. His knowledge was so vast, that it embraced every subject and every science, and no book fell into his hands, how difficult and abstract soever it might have been, that did not come from them adorned with valuable notes and commentaries. When, after the death of his father, he took the administration of the empire, the serious occupations of government did not prevent him from cultivating science, and being one of its most passionate lovers. Several verses of this monarch have been preserved to the present day. His favourite passion was that of acquiring rare books of arts and sciences, elegant collections of poetry, and all kinds of works upon geography and history. No trouble or expense was ever spared to bring from the principal towns of Syria, Africa, and Egypt, the works newly published by their learned inhabitants. For this purpose he commissioned, in Egypt, the famous Abou Isaak Mohammed ben. Al-Kâsim al-Kheibânî⁽³⁾; in Syria, Abou Omar Mohammed ben Yakoub

⁽¹⁾ ابو بكر بن عبد الله ابن الابر البلنطي Qu? الابر al-Ibbâr.

⁽²⁾ كتاب اللّكمة لكتاب الصلة

⁽³⁾ ابو اسحاق محمد بن القاسم الخيبتني.

al-Kindî⁽¹⁾; and in Bagdad, Mohammed ben Tarhîm⁽²⁾; who besides buying for his account all the books which deserved attention, were ordered to get copied such as could not be otherwise acquired. Ibn Hayân⁽³⁾, in his History of Spain, says that this Prince was, during the fifteen years of his reign, the decided protector of letters, and the delight of his people and subjects. Among the many illustrious men who flourished in his time, may be pointed out Mohammed ben Yussuf of Guadalajara⁽⁴⁾, who wrote for and dedicated to the King the History of Spain and Africa, the lives of the kings and their wars, and a description in verse of several towns, such as Tahart, Tunis, Segilmes, and Nacor. Mohammed ben Yahya al-Kalfatî of Cordova⁽⁵⁾ who wrote a poem on flowers, several *casîdas*⁽⁶⁾ [odes] in honour of Al-Hakem, and a History of the Genealogy of the African Tribes; Shabour the Persian⁽⁷⁾, author of several Treatises upon Mathematics and Astronomy, and Ahmed ben Abd-al-Mâlik ben Hâshim⁽⁸⁾, and Ahmed ben Saïd al-Hamdanî⁽⁹⁾, who were both of them occupied in writing the History of Spain. Nor was science under the reign of this far-famed monarch confined to the palace, or limited to a few men of high rank and important charges under the government; it was also successfully cultivated by women in their retirement. The King had in his palace a young female slave named Lubna, who, besides being skilful in grammar, arithmetic, astronomy, and other sciences, composed very good verses, and wrote with singular beauty and elegance the different characters of the Arabic language, a reason why Al-Hakem employed her as his secretary for his private correspondence. Fatima⁽¹⁰⁾ daughter of Zacaria al-Khablarî, a servant of the royal household, wrote with the greatest perfection, and was continually occupied in copying out books for the King. Ayesha⁽¹¹⁾

(1) أبو عمار محمد بن يعقوب الكندي

(2) محمد بن ترحيم

(3) ابن حيان

(4) محمد بن يوسف الودي الحجازي

(5) محمد بن يحيى القلطي القرطبي

(6) قصيدة
(7) شبور الفارسي

(8) احمد بن عبد المالك بن هاشم

(9) احمد بن سعيد الحمدي

(10) فاطمة بنت زكريا الخبلري

(11) عيشة بنت احمد بن محمد بن قديم القرطبي

daughter of Ahmed ben Mohammed ben Kâdûn of Cordova, was reckoned the most learned woman of her age; and to use the words of Ibn Hayân, 'she was beautiful like a rising moon, fine and slender like a young aloe bending its head to the south breezes; if she ran, she looked like an antelope disappointing the sportsman by her rapid flight; and if occupied in study or meditation, her eyes resembled the soft and melting eyes of the gazelle, looking from the top of a rock upon the burning sands of the desert. She was a well of science, a mountain of discretion, an ocean of learning. All the learned of her time admired her poetical compositions, she wrote different *casidas* in honour of the princes who were her contemporaries, and made a beautiful collection of books upon all sciences. Mariam⁽¹⁾ daughter of Abou Yakoub al-Faisolî of Telves, taught music and poetry with the greatest success to the young ladies of the principal families of Seville, and many have issued from her school who have made the delight and enchantment of the harems of the princes and people of quality.'

'The library of this prince, called the library of Merwân⁽²⁾ because it was situated in the palace of that name in Cordova, contained upwards of 60,000 volumes. It was kept with peculiar care and in the greatest order, the books being placed with distinction of matters and subjects, and all the rooms and book-cases adorned with beautiful and elegant inscriptions relating to the number of books and the sciences of which they treated. The catalogue, which consisted of 44 volumes in folio, contained the titles of the works, the names of the authors, the place of their abode, the year of their birth, and that of their death. He was also the first who founded a public library, after having acquired, at their weight in gold, the most rare and well written books upon all subjects. Besides a great number of other colleges and academies, he instituted the famous academy of Cordova, from whence have arisen so many men illustrious by their knowledge and learning.'

From this time may be dated the establishment of libraries in Spain. Following the example of the capital, Malaga, Granada, Seville, Cadiz, Almeria, and several other cities rivalled each other in the sumptuousness and number of their libraries, colleges, and academies; so that upwards of seventy in number, in different parts of Spain were consecrated and destined for the public. There is in the Escorial a work of Abou Bekr Mohammed ben Kheir ben Khalîfa,⁽³⁾ an Andalusian, written in the year 712 of the Hejra (A. D. 1311), with the title of 'Literary Index'⁽⁴⁾,

(1) مروان بنت أبي يعقوب القيسلي

(2) أبو بكر محمد بن خير بن خليفة الاندلسي

(3) فهرست الكتب

(4)

in which he describes the public libraries which existed at that time in Spain, giving a circumstantial relation of the number of volumes which they contained.

It cannot be affirmed that such a decided protection was granted to letters by the Christian princes who reigned in those times; and although Spain may boast of having had a king like Alphonso the Tenth, who not only called to his court, rewarded and consulted the men of science of every nation and of every creed, but successfully cultivated poetry, and has left some valuable works*, the generality of her kings have been more occupied in wars and intrigues, than in protecting science and encouraging the study of literature. That monarch however, who was at once a good administrator, a far from despicable poet, a learned mathematician, and a wise legislator, must have been a very extraordinary man for the times in which he lived. The attentive reader of his works, cannot fail to be delighted at finding the most witty and philosophical observations expressed with the simplicity and candour of that age; and must admire the great knowledge of the human heart which Alphonso possessed, though placed in a condition and in the midst of a circle, which are not the most favourable for retirement and meditation. The faults of this Prince are the defects of his age; and, as appears from his works, at the same time that he was a learned astronomer and a good chymist, he allowed himself to wander into the fantastic regions of alchymy, astrology, and necromancy, so much so, that in one of his poems called

* Several works of this monarch in prose and verse are in existence; and lie forgotten in the dust of libraries and archives, with the exception of a few that have been printed. As most of them are unknown in Europe even by name, a list of them is subjoined.

IN PROSE.

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| 1. The <i>Fuero Real</i> . | } Books of Laws. |
| 2. The <i>Partidas</i> . | |
| 3. The <i>Fuero Juzgo</i> . | |
| 4. Astronomical Tables. | |
| 5. General History of Spain. | |
| 6. Universal History (only the First Book remaining). | |
| 7. History of the Crusades. | |
| 8. The Book of Treasure (on Philosophy.) | |
| 9. The <i>Septenarium</i> , (being an Introduction to his work on the <i>Partidas</i> , with a Eulogium on his father.) | |
| 10. Letters and Correspondence. | |

IN VERSE.

1. The Book of Treasure (on Alchymy).
2. Songs (in the Gallician dialect).
3. The *Querellas*.

the 'Book of Treasure (*El Libro del Tesoro*)' he declares positively that he knew how to make gold, and had by means of it considerably increased his wealth*. He tells of an Egyptian whom he sent for from Alexandria, and from whom he acquired this knowledge.—

'La piedra que llaman filosofal
Sabia facer, y me la enseñó :
Fizimosla juntos, despues solo yo,
Con que muchas veces creció mi caudal.'

One century afterwards, another phenomenon of the same kind was seen in Spain, in the person of the Infante Don Manuel grandson of St. Ferdinand, and the author of a political and moral work generally known and appreciated in Europe, called '*El Conde Lucanor*.' This work is the fruit of long experience, and it is surprising to find in a Spanish book of the fourteenth century, so much practical philosophy united to a delicacy of sentiment so free from ostentation, and expressed in a style which, notwithstanding its antique simplicity, is not wanting in grace and elegance. After having served his country for many years, gained considerable victories over the Moors, and been the continual supporter and defender of a throne to which he was himself so nearly allied, this Infante terminated a long and glorious career, esteemed by his sovereign and regretted by every Spaniard†.

* It would be interesting to know more of the real nature of what the ignorance of the dark ages denominated the curious arts. Much that has fallen under this denomination, would probably be found to contain propings after physical knowledge, at some times obscured by hieroglyphics, and at others mingled with the imaginary. As an instance in point, it is a subject of perpetual regret to the writer of this note, that at Cairo in 1821 he did not purchase an Arabic book which was brought to him, and which was manifestly of the kind which among our ancestors would have condemned the possessor to the flames. The margins were covered with rude portraiture of demons in glaring colours, hideous in horns and tails, and acting apparently as a sort of running index to the text. But upon examination, the most fearful and constantly recurring of these apparitions was found to be always labelled زینق (*zibak*, quicksilver), and

another nearly as formidable حامز (*hāmiz*, an acid). The book was on chymistry, mingled probably with alchymy. It was in size between an 8vo and 4to, and the price asked was only forty piastres (about thirteen shillings). Unluckily it was not bought upon the spot, and it was seen no more.—*Ed.*

† The works left by this Prince are,

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| 1. <i>La Cronica de España.</i> | Chronicle of Spain. |
| 2. <i>El Libro de los Sabios.</i> | Book of the Wise. |
| 3. <i>El Libro del Caballero.</i> | Book of the Knight. |
| 4. <i>El Libro del Escudero.</i> | Book of the Esquire. |

Some of the Counts of Barcelona, and the Kings of Navarre and Arragon, owing perhaps to the frequent commerce and communication with Italy and Provence, lands which may be termed the cradle of literature, patronized science, and contributed efficaciously to spread the rays of light which issuing from those countries were soon to illuminate all Europe. To these princes Spain owes the institution of her oldest Universities, as those of Lerida, Taragona, &c. Peter IV of Arragon, called the 'Ceremonious,' invited to his court the most famous poets and troubadours of his time, and composed several poems in the Lemousine dialect, which have reached the present day. James the Conqueror, as much feared by the Moors as respected and beloved by his subjects, was also a follower of the Muses; and in his reign flourished several celebrated poets, such as Mosen Tordi, Mosen Jayme, Febrer, Raymundo de Montanes, &c.

But these insulated efforts of a small number of princes, were incompetent to produce all the effects which are to be desired in a noble and chivalric nation, attached to military and literary fame. The thirteenth century saw this change realized, by two great and unexpected events. The first, of universal interest, and which has had so much influence upon the civilization and manners of the inhabitants of Europe, was the discovery of printing. The second, the union of all the Spanish dominions under the sceptre of Ferdinand and Isabella. Isabella founded schools, facilitated the progress of knowledge, caused her courtiers to be instructed, protected learned men, elevated them often to the highest dignities of the state, and covered them with riches and honours. She granted favours and privileges to the traders and foreign printers who established themselves in Castile, encouraged with ardour literary undertakings, and accepted their dedication to herself; in fact science and learning, which, till that moment had been limited to a few superstitious and intolerant friars, became within the reach of all classes of society, and particularly of the nobility. On looking at the catalogue of poets which precedes the first

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| 5. <i>El Libro del Infante.</i> | Book of the Foot-Soldier. |
| 6. <i>El Libro del Caballero.</i> | Book of the Cavalry-Soldier. |
| 7. <i>El Libro de la Caza.</i> | Book of the Chase. |
| 8. <i>El Libro de los Engaños.</i> | Book of Fallacies. |
| 9. <i>El Libro de los Cantares.</i> | Book of Songs. |
| 10. <i>El Libro de los Ejemplos.</i> | Book of Examples. |
| 11. <i>El Libro de los Consejos.</i> | Book of Maxims. |
| 12. <i>El Conde Lucanor.</i> | Count Lucanor. |

Of all these works which he bequeathed to one of the convents of Penafiel, only the last has ever been published.

edition of the 'Romancero General,' printed in Seville at the beginning of the reign of Charles V, there will be found the illustrious names of the Admiral of Castile first cousin of King Ferdinand, of the Dukes of Alba, Albuquerque, and Medina Sidonia, the Marquesses of Villena, Velez, Villa-Franca, and the Counts of Benavente, Coruña, Castro, Faria, Haro, Paredes, and Rivadeo. The Archives and Libraries were equally the object of the care and solicitude of this generous and illustrious queen. She founded a public library in Salamanca for the use of the students who attended that ancient and renowned university. She ordered that all the convents and cathedrals should arrange their archives and libraries, and open them to the inspection of the public; but among so many ordinances in favour of literature, nothing is heard of any library being founded in those times with the view of saving from time and the ravages of war, the precious relics of the learned, and putting them at the disposal of the literary student. The library of the Escorial is undoubtedly the first establishment that was founded with that object.

Philip II, when he completed the magnificent edifice of the Escorial, ordered a library to be collected for the use of the friars who were to inhabit that dull and gigantic mansion; and the number and quality of the works collected in the short space of two years, did not disgrace the grandeur of the rest of the design. Philip III his successor, spared neither expense nor trouble in collecting the literary treasures that were dispersed all over the Peninsula, and conveying them to the Escorial. At a later period, in 1611, some Spanish vessels cruising in the sea of Barbary, attacked near Sallé two vessels in which were effects belonging to Muley Zeidán, Emperor of Morocco, and some chests containing three thousand volumes, which this prince, extremely fond of literature and worthy of better days, had caused to be bought in the East. Muley Zeidán felt excessively this loss, and offered to redeem them for the sum of seventy thousand gold ducats; and the king consented, on condition that he would give up all the Christian slaves in his dominions, to which the Moor agreed; so that, had it not been for the civil war which at that time agitated his empire, his nephew Muley Sheikh having rebelled, Spain would have been for ever deprived of these literary treasures. Unfortunately the greatest part of these volumes perished in the fire which consumed part of the Escorial in the year 1671. But the remains which have been preserved from that calamity, are more than sufficient to class its library among the richest, if not the most extensive, in the world.

The library of the Escorial is divided into three parts; the Lower library, the Upper library, and the Manuscript library. The principal one, which is the Lower, consists of three rooms, one of which is 197 feet long and 32 wide. The book-cases are magnificent, and composed of the choicest woods. The number of volumes which they contain are 18,000, among which there are about 700 Spanish, Latin, and Greek manuscripts. Among this number are to be seen several books written in the seventh and eighth centuries; there is also a copy made at the beginning of the fourteenth century, of the famous book called 'La Historia del Conde Ferran Gonzalez,' one of the oldest monuments of Spanish literature, which is a history of Spain from the invasion of the Goths to the year 967. Another book of the poems of a Rabbi called Don Santos Carrion, and a great number of old chronicles; but as there is not a printed catalogue of the books, it is difficult to estimate the value of the whole. The Upper library occupies the same number of rooms as the lower one, and was built several years after the principal one, when it was perceived that it would not hold all the books. The number and general description of its contents are nearly the same as those of the other. The books which are generally shown to strangers who visit these two libraries, are some old MS. Bibles, richly painted and illuminated. When the visitors are known to be Spanish, and are supposed to have no concealed heresy in their bosom, as happened [says the writer of the Article*] with myself, who am a *Catolico Apostolico Romano*, they venture to show what they think is worth more than all the books of the world together. I was, therefore, no little surprised to see one of the fathers, who giving me an expressive look, made me a sign to follow him, and having conducted me to a kind of chapel, in the same library, where, covered with a curtain and glass, is a book written, as they say, by the hand of St. Augustine, he took it out, kissed it, passed it to me in order that I should do the same, and proceeded to call my attention to the circumstances of the book. Its title is, 'De Baptismo Parvulorum;' and all that I can say is, that if it really is his own hand-writing, the saint must have been a very clever penman. He then showed me eight more books attributed to saints. There is one written in Greek by St. Chrysostom, and several others by Santa Ferera de Semo, besides another book called 'El Codice Aureo,' the Golden Book, which contains the four

* In this and other places, the writer speaks in the first person; and it would have been an injury to alter it. There is a quaintness in the style, which might make some parts pass for extracts from Captain Tarkenton or Defoe.—*Ed.*

gospels written by the Emperor Conrad of Germany and his son Henry II, with gold letters, of an admirable beauty and clearness. It is said that Queen Mary, the sister of Charles V and aunt of Philip II, made a present of it to her nephew, when she heard of his collecting books for the library of the Escorial. But as I did not come to the Escorial to see books of saints (not that I do by any means deny their merit), I begged the father to take me to the MSS library. The room in which they are kept is very spacious, and the book-cases are also of great beauty. But I do not think that they are all filled with Arabic MSS, as these* are in small number in proportion to the size of the room, which might hold many thousands of volumes. They told me that among them were some Greek and Spanish MSS. What they generally show in this room is a Korân, written in the middle of the ninth century, for the use of one of the first kings of Cordova, upon papyrus, with coloured letters. The father who had the care of this department, seeing that I made him a great many more questions than he could well answer, told me to take the keys and open the book-cases, to search at hazard for what best pleased me. So I proceeded, after such a kind invitation, to examine the Arabic manuscripts. The first book upon which my eyes fell was a magnificent copy of the seven 'Moallekats,'⁽¹⁾ with a commentary by Abou Abd-Allah Mohammed al-Ansârî of Cordova. It is a volume in folio, of 200 pages, written in a very small hand, and which is not known in Europe. Ibn al-Khatîb†, and Al-Kodhâî‡, Spanish biographers, both praise this work, and say that the commentaries are much superior to those written in the East. I saw too a commentary on the poem of 'Shanfar,' by Abou'l-Kâsim

* By 'these' is apparently meant 'the MSS supposed to exist.'—*Ed.*

(1) معلقات

† Mohammed ben Abd-Allah ibn al-Khatîb, a native of Grenada, and Secretary to the King of Grenada Abd-Allah ben Abou 'l-Hajâj, wrote a great number of works upon rhetoric, music, medicine, civil administration, history, jurisprudence, and theology, of which several are preserved in the Escorial. The principal ones are تاريخ غرناطة or 'A Complete History of Grenada;' اللوحة البدرية في الدولة النصرانية, 'Glimpse of the Full Moon, or History of the Kings of Grenada of the dynasty of the Beni Nasar;' الطبقات في الاحاطة احدي عشر جزا مع ذيل 'Biographies, in eleven Books with a Supplement.'

‡ Abou Bekr al-Kodhâî ibn al-Abar of Valentia wrote a Biography of illustrious men, with the title of الرحلة السبيرة, 'The Striped Robe.'

Mohammed ben Omar az-Zamaskharî, which does not exist in any of the public libraries in Europe. If the learned French orientalist, the Baron Sylvestre de Sacy, could have consulted it for his translation of that poem, published in the second volume of his 'Chrestomathie Arabe,' there is no doubt that with its assistance many obscure passages might have been satisfactorily explained. There is also another work called 'Delight of Conversation, and Companionship of Brothers⁽¹⁾,' by Omar ben Abd-Allah ar-Râzî, a Persian, which contains a hundred narrations, and pictures of the manners and customs of the East, besides a great number of fables, songs, wise sentences, and proverbs, which appear to be worthy of the greatest attention; as also another, with the title of 'Fruit of Princes, and Delight of Elegant Men⁽²⁾,' by the Hanephite doctor Ahmed ben Mohammed ben Arbâshia of Damascus, which contains fabulous narratives, written with the greatest elegance and perfection in prose and in verse, in which are introduced some extremely ingenious allegories, such as a relation of 'The Battle between Abou 'l-Abtâl* and the King of the Elephants⁽³⁾,' 'Thoughts of a Solitary Lion, and Sayings of a wandering Camel⁽⁴⁾.' These two works, with others of this library, bear the marks of having belonged to one of the kings of Grenada. I discovered there also, a very rare and extraordinary book, which I think has not its equal in Arabic literature; or at all events compositions of this kind are so rare, that it may pass for unique. It is called 'Wit and Novelty, in Dialogues between the Professors of different Arts of Life⁽⁵⁾,' and written by Mohammed ben Mohammed ben Ali al-Balisî (or born in the town of Velez), in the year of the Hejra 746 (A.D. 1345). Casiri, in his 'Biblioteca Escorialense,' Vol. ii. sec. 144, calls this work a comedy. I should not venture to say as much; but I must own that the little I have perused of it, extremely excited my attention. Fifty interlocutors,

(1) كتاب مسرة الندمان وموانسة الاخوان .

(2) فاكهة الخلفاء ومغاکهة الاطراف

* Abou 'l-Abtâl may be translated 'the Father of the Heroes or Warriors.' Whether it is intended for a proper name or not, seems only determinable from the contents of the book.—*Ed.*

(3) ذكر القتال بين ابي، الابطال وبين سلطان الافيال

(4) ذكر في حكم الاسد الغارد وامثال الجمل الشارد

(5) كتاب الملمح والطارف من مناديات ارباب الحرف

of the different professions of life, such as a teacher of grammar, a cadhi, a cook, a lawyer, a singer, a musician, a butcher, a confectioner, a pastry-cook, a baker, a money-changer, a collector of taxes, a perfumer, a poulterer, a clothes-man, a blind man, a copyist, a shepherd, a huntsman, a seaman, a goldsmith, a builder, an engineer, a scribe, an innkeeper, a tailor, an incense-seller, a carpenter, &c. criticise and joke with each other upon their different professions, making the wit of conversation sparkle at every moment. The translation of a work of this kind, although extremely difficult both by its nature and from its containing a great number of terms relating to the arts and professions of life which are not to be found in dictionaries, would amply compensate for the trouble, by the light it would throw upon the manners and customs of the Arabs when they were in this country; a point which is very difficult to be ascertained. For among so many thousands of volumes consecrated to history, to grammar, to mathematics, or medicine, it may be said there is scarcely one which contains a sketch, how imperfect soever it might be, of their manners and domestic life. To this is owing the complete ignorance in which we are of their ways and customs; and Florian and other writers, who have attempted to give an idea of the court of Grenada, have only pictured the hackneyed scenes of the East. But this is an error; there was a great difference in those times between the Moorish inhabitant of Cordova and Grenada, and the Arab of Damascus or Bagdad. The Arabic population of Spain was composed of different families or tribes; it was Asia and Africa mixed together; the ardour and the simplicity of the proud inhabitant of the desert, united to the indolence and sagacity of the possessor of the fertile and smiling valleys of Macedonia. Such a mixture must have necessarily created new customs, different manners, and even, it may be said, opposite impressions. The difference of climate, the continual communication with the Spaniards, from whom they borrowed the ideas of chivalry which distinguished them in the latter period of their domination, must have augmented in their character and manners those strong peculiarities, which the eye of the philosopher may discover through the scanty pages of the Arabic historians. They present the contrast observable between the lively, active, never-despairing Moor, and the sullen, despotic, and suspicious Turk sunk in imbecility and inaction. The same dissemblance is to be remarked in the observation of those religious precepts, which, as they form the foundation of Islamism, are never trifled with by any true Moslem; such as the prohibition of wine and images. As to the first, various kinds of

fermented liquors were drunk in Spain; and I have in my collection an old Arabic manuscript in the Cufic character, which treats of the different kinds of wines, and liquors of other kinds from dates, sugar-cane, the palm-tree, wheat and barley, &c., praising their good qualities, without mentioning a single word about the prohibition. The lions of the Al-Hamrá, the portraits of the Generalife, and the beautiful statues and bas-reliefs which adorned the delightful gardens of Medina Zahara, the gold, silver, and copper coins with the busts of their kings, and many books in which may be discovered the portraits of the heroes or of the author, will prove sufficiently that the Arabs of Spain were not so strict and rigid as they have been generally thought in Europe. There are also two MSS by no means undeserving of notice; one of them with the title of 'Notices, by a Noble Author (1),' written by Shahâb-ad-Dîn Abou 'l-Abis Ahmed ben Fadhl-Allah al-Omarî, and the other called 'Treatise on the Persons and Acquirements of the Inhabitants of Spain (2),' by Alî ben Abd-ar-Rahmân ben Hazîl of Grenada. Both speak of gunpowder, of the time of its discovery, and of the nations which first employed it against their enemies. They represent it as not of European invention. Brought from China by the Persians, they say it was adopted by the Arabs, who used it in the year 71 of the Hejra (A. D. 691) at the siege of Mécca by Hajâz.

I should never finish, if I were to mention one by one all the precious works, which at every moment called my attention. Besides the poets famous in Europe, such as Al-Motenabbî, Al-Bousîrî, Abou'l-Alâ, At-Togrâi, Amrou 'l-Kais, Caâb ben Zoheir, Abou Nawâs, Ibn Mâlik, there are a great number of natives of Spain not inferior to them, and whose poems may be placed without fear by the side of the best *diwâns*, such as Abou Zeid Abd-ar-Rahmân al-Jayâdenî of Cordova, who wrote a Poem with the title of 'Spectator of the Times (3)'; Schems-ad-Dîn Abou Abd-Allah Mohammed ben Jâbir, author of a Poem called 'Rarities for the blind, and for him that can see (4)'; Dhiâ-ad-Dîn Abou Mohammed Abd-Allah al-Khazârajî, Ismaîl ben

(1) كتاب التعريف بالمصطلح الشريف

(2) تحفة الانفس وأشعار سكان الاندلس

(3) كتاب الراي الزمان

(4) 'بدیعة الاعمي والبصير'

Mohammed ben Omar al-Cordobi, and Abou Mohammed Abd-al-Majid ben Abdoum, a celebrated poet, who under the title of 'Pole-star of the Times⁽¹⁾,' wrote a poem in which he describes the adventures, wars, and private life of the prince of a dynasty called Beni 'l-Aftâs, who reigned for several years in the town of Badajoz. Models might be pointed out in every science, for there is scarcely a branch of human learning which the Arabs have not cultivated with the greatest success; Rhetoric, Mathematics, Astronomy, Medicine, Botany, Music, History, Geography, each in their turn having been explored and adorned by their labours. But my object not being that of describing particularly the library of the Escorial, but of giving a succinct idea of those which exist in Spain, I will conclude by saying, that the MSS. library of that monastery is kept in tolerably good order, and a well combined catalogue is placed on a table, so that in a short time I was able to examine a great number of books; it is, however, necessary to mention to the discredit of the Spanish government, that the MSS though beautifully bound, and kept clean on the outside, are full of dust, and that it is very easy in a burning climate, and in a room where the sun penetrates every day, for the moth to get into the books, and consume them insensibly; much more so, as I was assured by the fathers of that monastery, that no one had touched them since the year 1807, in which Conde was occupied in collecting materials for his work*. The whole number of Arabic manuscripts which appear in the Catalogue, is 1631; but I was told that there were still some boxes of half-burned MSS, and incomplete fragments of others, which were saved from the fire. To these are reduced all the literary relics of a nation who surpassed the Greeks in their love for science and for the cultivation of letters, a nation who have left in the literature and manners of the West a track more luminous than that produced by their victorious arms, and occupied the highest rank in civilization of any then existing, for a period of eight centuries. But the destructive hand of man is even more fatal than the scythe of time. By the order of the fanatic and ignorant Cardinal Ximenez de Cisneros†, eighty thousand

(1) قطب الزمان.

* History of the Domination of the Arabs in Spain; by Don Francisco Antonio Conde.

† Amrou ben Al-Aas, a Lieutenant of the Caliph Omar, burnt in Alexandria the celebrated library of Seraptea, which was that of Pergamus, and a present of Marc Antony to Cleopatra the other of Bruchion, which was that of Ptolomey, was burnt by the soldiers of Cæsar. It appears as if Christianity envious of the insult offered to letters by that Caliph, had

volumes were burnt in the course of several successive days in the public squares of Grenada, on the supposition that they were Koráns. The Inquisition, and the expulsion of the Moors, who zealously concealed their books and took them to the place of their exile, did away with the few that were left. However, notwithstanding such losses, the Library of the Escorial still contains some precious remains ; but the mine continues unexplored, as the government has always looked upon the library as the inviolable property of the friars, and it is very seldom that these last have granted permission to literary men to work in it ; and while the Asiatic Society of London, and the different literary establishments of France and Germany, promote with the greatest zeal the cultivation of all branches of Oriental learning, there is hardly in Spain one man who has dedicated himself to the study of the Arabic language, and this branch of instruction is so much neglected that the only professorship in all Spain is held by an ignorant Jesuit incapable of making a scholar. Let it be hoped that the Spanish government, which appears now desirous of protecting science, will have the precious volumes of that Library brought to the capital, in order that the studious of all countries may obtain access to them, and that they may not suffer in the dust the fate that has befallen so many others, or another fire like the last reduce them to cinders and deprive Europe for ever of their contents.

The Public Library in Madrid was founded in 1712 by Philip V, who made a present of his own collection to the new establishment. The number of volumes which it contains may be about 200,000, of which a fourth part at least are not shown to the public, being what they call *libros prohibidos*, prohibited books. These are principally works upon religious and political matters ; or those which treating of the history, literature, or commerce of Spain, have been judged to contain some offensive remark against the government, or in disparagement of the clergy. In consequence, I was not surprised to see among the number, the History of the reign of the Emperor Charles V by Robertson, that of the Peninsular war by Southey, and several others of the kind. This library possesses a rich collection of old Spanish manuscripts, and original documents upon the literature, history, and antiquities of the country ; and their number, which according to what I have been told

wished to surpass it by a more barbarous one. The first of these two events has been lately much doubted by modern historians ; but the deplorable catastrophe of Grenada is related in so many books and authentic documents, that no doubt can be entertained about it.]

was much diminished during the war of independence, and the successive troubles, amounts to two thousand. Amongst them are to be seen, a collection of Poems by the *Arcipreste de Hita*, one of the oldest Spanish poets; the famous book of the Treasury, written by Alphonso X, and called also the book of the Padlock, because it shuts by means of one made of brass, and several other works composed by this Monarch; a translation of the *Æneid* in verse by the Marquis of Villena, which is supposed to be the first translation of Virgil made in Europe; the *Rimado de Palacio* (Rhymes of the Palace) by Fernan Perez de Ayala; and a great many poems by the oldest Spanish poets of the fifteenth century, with several ancient chronicles and historical accounts which particularly concern those ages. Several months of assiduous work would be required to judge of the contents of this MSS library, as it is very little known and frequented. There is also a small but choice collection of Arabic manuscripts, which may be about 300, and 270 in Greek; and attached to the establishment, is a magnificent cabinet of medals, which contains one hundred and fifty thousand gold, copper, silver, and iron coins of all ages and countries. Although this establishment has some fixed funds for the purchase of foreign books, it is many years since any have been bought; so that it is in vain to look for books printed out of Spain in this century, with the exception of those which have been presented by their authors or by literary societies.

The private Library of His Majesty, which is in the interior of the Royal Palace, is not less rich than the two above mentioned; but it is very little known, as it is perhaps only once in a hundred years, that some literary person who enjoys great reputation, and at the same time is in favour in the Palace, can obtain an admittance to it; so that anything I might say of it, would be only traditional, as I have not been able to penetrate there. It is spoken of, as the new world was before the expedition of Columbus.

The Library of the Jesuits is within their college. It contains a considerable number of volumes; but it does not possess any thing rare, in any particular branch of literature. It has but few manuscripts. When the Jesuits were expelled from Spain in the time of Charles III and their property confiscated, and afterwards also during the Cortes, this Library was united to the National Library; but it has since been returned. By a royal decree of Charles IV, it was ordered that it should be open to the public every day.

There are besides in Madrid many scientific bodies whose libraries are also open to the public; such as the Royal Academy

of History, which possesses a numerous and extremely select collection of ancient manuscripts, most of which have been left by its members as legacies ; the Royal Academy of Arts ; and several others belonging to private persons, such as the Dukes of Infantado, Osuna, and Medina Celi, to which entrance is obtained by means of tickets.

Nor is the benefit of public libraries limited to Madrid alone. At Valencia, Burgos, Malaga, Tarragona, Santiago, in almost every provincial capital, the library or archives of the Bishopric or of the Cathedral is open to the public. That of Toledo, especially, is not inferior to those of the capital in magnificence, and in the number and quality of its contents. The *Archivo de Indias* in Seville, that of the Crown of Aragon in Barcelona, those of Simancas, Navarre, and others, and the libraries of the scientific bodies and societies all over Spain, would afford a vast fund to the studious, if the government had not for the years last past damped all literary pursuits instead of encouraging. Indeed, in many different visits to the various libraries and literary establishments of Madrid, a fact which has surprised me exceedingly, is to see the scanty number of studious persons who frequent them, compared with the hundreds of people who every day crowd the rooms of the Royal Library at Paris. With the exception of a few clergymen who turn over the leaves of ponderous folios searching for some quotation from St. Thomas or St. Augustine, the rest of the concourse is generally composed of youths whose only occupation consists in reading novels or looking over prints. Such a sight produced in me the greatest sensation. More than once have I said to myself, 'Is Spain no longer the country of Calderon, of Cervantes, Lope de Vega and Garcilazo, so fruitful in celebrated men and great genius, and whose literature in other centuries was almost general in Europe ? Is it for ever extinguished, the noble incentive which called her on to glory ? Shall the times in which the Inquisition covered this unfortunate country with its veil, be deemed in history to have been more poetic and inspiring than the nineteenth century, the age of improvement, of civilization, of refinement ?' Let it be hoped that Spain, snatched from the hands of despotism, will see a new day-spring of peace and prosperity smile upon her soil ; and that after having extinguished the torch of fanaticism and discord, she will advance with rapid steps in the career of civilization, and take her proper place among the free nations of Western Europe.

ART. VIII.—1. *Cab and Omnibus Nuisance.* Morning Herald.

2. *Cab and Omnibus Nuisance.* Standard.

3. *Omnibus Nuisance.* Albion.

4. *Cab Nuisance.* Morning Post.

5. *Cab and Omnibus Nuisance.* John Bull.

6. *Cab and Omnibus Nuisance.* Age.

THE moment anything is done in England for the comfort or convenience of the numerous classes, it makes its appearance under the title of a *nuisance*. England therefore does not exist for the comfort or convenience of the numerous classes, but for the well-being of some other class or classes, whose meat and drink it is to live upon the sufferings of the rest. This is the passage, which it is at present intended, with permission, as the sectaries phrase it ‘to improve.’

The charge against the people of England is, that the people ride along the streets. The streets are not *their* streets; they are the streets of those to whom everything else belongs; and everything else does not belong to the people. Walking has been permitted to the *demos** from time immemorial; but to ride is insolence. By a sort of parallel to the Game Laws, certain modes of vehiculation were to be peculiar to the *magnificos*. A cart was permitted, like the shooting of rooks and other base fowl; and there was even a modification called a ‘taxed-cart,’ in which, on condition of certain letters of so many inches high and of such a precise colour on such a ground, understood to convey the abandonment of all pretensions to gentility, the serf was permitted to approach in a limited degree to the velocity of his betters, but always on condition that the preservation of his sitting parts by means of springs, was reserved for what the Spaniards call the ‘blue blood’ (*sangre azul*), or for the porcelain clay that compounded the muscles of the great.

It was in France,—where the Revolution, in spite of all after changes, had on many points put the people in possession of useful and substantial sovereignty,—that those improvements in popular vehicles took place, whose copying by the middle classes of England has given such distress to the sensitive

* *Δῆμος* *Demos*, ‘the people’ in the political sense; whence ‘democratic’ &c. See the continual fire kept up by the poets of the Lackey School of Athens, where the *demos* was supreme; which has been produced in English with such admirable vigour and notable benefit to the popular cause, by the only translators (or more probably translator) of Greek the world has had, in the *Quarterly Review* and *Blackwood’s Magazine*.

minds of their superiors. The Cabriolet can hardly be said to be of revolutionary origin ; but its extended use may. A general officer in full uniform trundles up to the Tuileries in a hired cabriolet, and feels his dignity nowise diminished by the fact, that the serjeant-major last used it to take his inamorata to the *guingette*. There can be little doubt that this holds of the spirit of personal equality fostered by never-enough-to-be-lamented events. But the Omnibus was an entirely post-revolutionary discovery. Its very name is levelling. That fourteen citizens male and female should ride smirking opposite to one another in two rows, the *curé* of eighty breathing the same air with the smiling *couturière* of sixteen, and the gay young conscript pluming himself, not unconscious of good looks, in the eyes of what for all he knew might be the Duchess of Berri and her attendant,—was an invention that could only have been made in a country of happy temperament like France. Nobody there ever found out that they were hurt ; no journals declared the public weal in danger ; it was reserved for miserable, sulky, down-trodden, tory-ridden England, to discover that the populace, the base lower classes, were making themselves comfortable. The shabbier race of shopkeepers too, joined the cry. They remarked that fourteen citizens got in and out fourteen times as often as one ancient maiden shopping ; and as all stops must take place somewhere, some might possibly be before their own door. Not but that every thing of this kind was fair and proper matter of regulation ; but there was no need to insult and annoy the citizens wherever fourteen were gathered together. There was no occasion to decree, that the member for Oldham and a half-pay lieutenant-colonel of foot should not ride peaceably together along their road, without hearing their conductor directly, and themselves indirectly, baited with the imprecations of the privates of the Police Guards, as might be more germane to the caravan that conveys convicted wild-beasts from Bow-street. The latter deponent makes generally two, and sometimes six or eight trajectories daily, in these abominated-of-the-anti-revolutionary vehicles, and never witnessed the slightest instance of misconduct either in the conductors or the inmates. The drivers of cabriolets were once also eminent for good morals ; but, like the broom-girls, they have deteriorated. The effect must have some cause ; and the way for sensible men would be, to try to remove the cause. The early men of cabriolets, were many of them petty proprietors, lords and masters of the little planet they directed ; many of them had been gentlemen's servants, and were as civil men for drivers, as could be met upon the

road. As an instance in point, the writer of this had an innocent faculty, on first taking up a vocation which encouraged temporary *liaisons* in the matter of carriages, of forgetting his vehicle altogether and going his way without paying. Three times at least did this happen to him; besides once that he was taken in *flagrante delicto* at the door. Yet there was not the smallest incivility in any case. In one instance the driver cautiously communicated, to a friend not unknown to the public who remained behind, that he verily believed the gentleman that had just got out, had left him standing four hours at a door and never come back. As on comparing notes the 'soft impeachment' could not be denied, plenary satisfaction was offered; and the moderate plaintiff proposed five shillings. Now these were certainly not bad, nor untrustworthy, nor dangerous men. Four times has the writer been thrown between the horse's ears, once has he ridden into a gas-pipe, but without any fault of the drivers; and when the wheel came off and the horse attempted to run away, he possibly owed his life to the resolution with which the driver, a worthy with much of the manners of an old dragoon, stuck to his seat till he was thrown out, and then stuck to the reins and finally brought the horse to a stand-still. It would be an excellent thing, by the way, and greatly for the safety of the 'citizens, if some member of the House of Commons would borrow so far from the wisdom of antiquity, as to move that all two-wheel'd carriages should have four wheels. It might easily be effected by a slight favour in the duty. It is difficult to surmise what governments are for, if they are not to take care of the citizens in those points where they cannot so well be taken care of by themselves. In other ways connected with public carriages, it is wonderful how the legislature contrives to throw dirt into the face of every man, who is not at least a doctor and drives a pill-box of his own. One legislator amuses himself with defining the height and colour of the letters which shall announce, 'These are a set of shabby people, who have not a carriage of their own.' Another invents laborious modes of parading the driver's name; as much as to say, 'Everybody that goes in these carriages, is a shabby person and very likely to be insulted, and therefore we will chalk it, if not upon his back, upon his coach.' A third invents the announcing how many passengers may enter into the ark; by way of declaring that they are all unclean beasts together, and have special need of the attention of the police. A fourth is particular in requesting that the number of the plebeian's carriage may be prominently displayed *behind*; that

when he and his run away from justice together, there may be more chance of tracking the culprits home. And a fifth is in an agony to introduce the stupid remnant of continental tyranny, which exacts that one man shall not drive past another, however different their reasons for celerity; and proposes reducing the vulgar public to the pace of a procession. Have we no business, no vocations, nothing that may ever require haste? Galloping may be for royalty; but is no man under the degree of a lord to go at a jog-trot? The mad Paul of Russia once made such an enactment; and sent an Englishman to sweep the streets of Petersburg for contravening the order. It was not imagined then, that the thing would find its way thirty years afterwards into the British Parliament. Without any of these precautions, a *number* in the olden style, was quite sufficient for all necessary purposes of police. People had got so used to it, too, that it neither hurt the eye nor the feelings; therefore it was, that the present additions were devised. Royalty, of course, is intolerant of hackney-coaches; and great was the war of words, when Mr. Wilberforce, who had the *entrée*, insisted on driving in one through the Horse Guards. All this will bear fruit in time, and go to increase the spirit of resistance to more serious oppressions. Like a straw thrown up to see which way the wind blows, it will direct the judgment upon weightier matters. On steam-boats, the self-same spirit is exhibited; but it happens that more influential classes are concerned. The poor man's *drink* has been and is to be, a plaything for the rich to amuse himself by twitting him in; an old Tory Field-Marshal was the only man that showed any bowels for the people in the ranks, and the Whigs have undone it. When the time comes for the poor to regulate the rich man's cups, they shall stand upon no niceties in the execution. There is a general system of domineering over the industrious and numerous classes, of which the Corn-laws may be said to be the head, and the regulations on a draught of beer the tail; the carcase being filled up with injuries of all manner of gradations of enormity. Take, for instance, the case which happened the other day, and is happening every day. Suppose for argument's sake, that one of the richer classes died, and his widow had invested the whole property in some concern with a view to the support of her children, and by reason of some infringement of a municipal regulation; *the whole of such property was declared confiscate.* What sympathy, what sentiment, what a subject for a tragedy! Fancy a Mrs. Beverley coming forward, and rousing the indignant pit and boxes to a Revolution in her cause! But change the case to a

widow of the *poor*, and there shall be no talk of a revolution at all. The thing is done every day, and is good parish guttler's law. Such things will not go on ;—it is dangerous to prophesy, but they will not. The moment the people of France got into their heads that there was a general system of maltreating them by their oligarchy, and the feeling got up a little higher than the rudest food for tyranny who in no country can help themselves,—they all stood up together, and there happened what happened. It seems barely possible, that some people might take something like a warning now.

ART. IX.—*History of the Revolution in England in 1688. Comprising a View of the Reign of James II from his Accession to the Enterprise of the Prince of Orange.* By the late Right Hon. Sir James Mackintosh ; and completed to the Settlement of the Crown, by the Editor. To which is prefixed, a Notice of the Life, Writings, and Speeches of Sir James Mackintosh.—London ; Longman and Co. 1834. 4to. pp. 734.

THE world, as if to show its penitence for the many tales of unrequited merit and injured genius which its indifference has called forth, gave Sir James Mackintosh a considerable amount of fame in advance for some great work of incomprehensible qualities, which he was about to write, or which it was presumed he would write, on English History ; and 360 widely-printed quarto pages, a portion of a dissertation on the History of the Revolution, constitute the dividend from the estate. With a worthy contempt for those who can only afford shillings for histories, even of the Revolution of 1688, this work which might have filled a small octavo of the price of seven shillings, is diluted over a superficies proportioned to three guineas. The portion of it which is attributable to Sir James Mackintosh, might have been compressed into a half-crown duodecimo.

To the literary merit of Sir James Mackintosh's part of the book there can be few objections. The style of it is occasionally overloaded, but is in general pleasing, and improved on that of his previous works. In his sentiments the author frequently displays that humanity and sympathy with human suffering, which notwithstanding his backslidings as a politician, ornamented the whole course of his life. In the political speculations he cannot be said to have shown much that is new, since the days of Dalrymple. He has a natural horror at Popish plots, mingled with somewhat of a *Recorder's* feelings for those who perpetrate them. He is

disposed to be exceedingly charitable to, or totally to overlook, the motives of those who found it their interest to bring about the happy Revolution. Along with Hallam, he adores King William as a man who did all that can be called great and good in the most complete simplicity of motive, and without any feeling of self-aggrandisement; and considers the imprisonment and trial of the bishops as one of the most awful cases of persecution, and one of the grandest exhibitions of magnanimity, ever produced on the stage of the world. To the mass of facts possessed by the world on the subject, Sir James has not made any addition of great consequence. He frequently quotes from manuscripts left by Mr. Fox, and (it would appear) from the Stuart papers with which he was intrusted by Government. The narrative of interesting and important events, which few would exchange even for the refined moral reflections of Sir James Mackintosh, is frequently interrupted with trains of thought on abstract subjects, among which is a dissertation at considerable length on the right of resistance, which shows that the author might have been a good opponent to L'Estrange or Sir Robert Filmer. The Editor says in the advertisement,—

‘In the continuation it will be observed that the glimpses of opinion on the character of the Revolution, and on the character and motives of the chief persons who figured in it, do not always agree with the views of Sir James Mackintosh. But it should not be forgotten that Sir James was avowedly and emphatically a whig of the Revolution, and that, since the acquisition of religious liberty and parliamentary reform became a national movement, the great transaction of 1688 has been more dispassionately, more correctly, and less highly estimated. The writer of the continuation believed himself unbiassed by any predilection for either whigs or tories, and not only borne out, but bound by the facts. He felt, in fine, that the first duty to the reader and to himself was good faith.’

The portion written by Sir James Mackintosh commences with some reflections on that extreme barrenness of everything which can be dignified by the name of public morality, which characterised the period of the death of Charles II. It will perhaps be admitted, that in scarcely any period of the history of any country is there found a time at which art and force had so completely subdued a people. In some countries tyrants have found strength to bind their unwilling subjects in a chain, from which they struggle to be free; in others a despot has calmly reigned without a murmur from people ignorant of the existence of freedom; but here a community, naturally of free opinions, which had before made mis-governors pay dear for their misconduct, had

been gradually and by successive steps brought under the feet of the government, and to all human calculation, deprived of any remainder of natural vigour, and of any weapons by which it might ever hope to break its fetters. The peers, as is the natural consequence of their situation, were raised a degree higher in the scale of power by the general oppression, and therefore they licked the hand of the oppressor. The Commons House was filled with retainers of Majesty, from powdered law-officers to powdered lackeys. The Parliament of Scotland declared that, in consideration of the manner in which his Majesty's ancestors had for two thousand years by their sacred authority and power, aided and assisted by Almighty God, protected the kingdom from foreign invasion, &c. 'therefore the Estates of Parliament, for themselves and in name of the whole kingdom judge themselves obliged to declare, and they do declare to the world, that they abhor and detest not only the authors and actors of all preceding Rebellions against the Sovereign, but likewise all principles and positions which are contrary or derogatory to the King's sacred, supreme, absolute power and authority, which none, whether persons or collective bodies, can participate of, any manner of way or upon any pretext, but in dependence on him, and [by] commission from him*.' The loyal University of Oxford had decreed submission unto Governors, which submission 'is to be clear, absolute, and without any exception of any state or order of men,' and the Church of England was not wanting in supporting the sacredness of the hand which fed it and buffeted its enemies. The subdued state of the nation, and these promulgations of obedience, constitute a starting point in the History of the Revolution, extremely useful in considering that event. The general subjection produced the timid measures, the treachery, and the awful dependence on accidental events, which characterised the struggle; while it will be seen that the professors of the doctrine of obedience considered it better fitted for others than themselves, and by no means a speculative principle to be respected when it ceased to feed and clothe themselves, and to keep them on an eminence removed from others. The earliest facts recorded by Sir James, are the cruelties of Kirke and Jeffreys. If it was still doubted whether James knew and approved of the Chief Justice's campaign, some original matter which has been procured by the historian would certainly place it beyond any ordinary doubt. Part of the narrative may be worthy of quotation.—

* Act. Parl. Scot. viii. 459.

‘ In the mean time, peculiar circumstances rendered the correspondence of Jeffreys in Somersetshire with the King and his minister more specific and confidential than it had been in the preceding parts of the circuit. Lord Sunderland had apprised Jeffreys of the King’s pleasure to bestow a thousand convicts on several courtiers, and one hundred on a favourite of the Queen, on those persons finding security that the prisoners should be enslaved for ten years in some West India island ; a limitation intended, perhaps, only to deprive the convicts of the sympathy of the puritan colonists of New England, but which, in effect, doomed them to a miserable and lingering death in a climate where field labour is fatal to Europeans. Jeffreys, in his letter to the King, remonstrates against this disposal of the prisoners ; who, he says, would be worth ten or fifteen pounds a-piece ; and, at the same time, returns thanks for his Majesty’s gracious acceptance of his services. In a subsequent letter from Bristol, he yields to the distribution of the convicts ; boasts of his victory over that most factious city, where he had committed the mayor and an alderman, under pretence of their selling to the plantations men whom they had unjustly convicted with a view to such a sale ; and pledged himself “ that Taunton, and Bristol, and the county of Somerset, should know their duty both to God and their King before he leaves them.” He entreated the King not to be surprised into pardons.’

‘ James, being thus regularly apprised of the most minute particulars of Jeffreys’s proceedings, was accustomed to speak of them to the foreign ministers under the name of “ Jeffreys’s campaign.” He amused himself with horse-races at Winchester, the scene of the recent execution of Mrs. Lisle, during the hottest part of Jeffreys’s operations. He was so fond of the phrase of “ Jeffreys’s campaign,” as to use it twice in his correspondence with the Prince of Orange ; and, on the latter occasion, in a tone of exultation approaching to defiance. The excellent Ken had written to him a letter of expostulation on the subject. On the 30th of September, on Jeffreys’s return to court, his promotion to the office of Lord Chancellor was announced in the Gazette, with a panegyric on his services very unusual in the cold formalities of official appointment. Had James been dissatisfied with the conduct of Jeffreys, he had the means of repairing some part of its consequences, for the executions in Somersetshire were not concluded before the latter part of November ; and among the persons who suffered in October was Mr. Hickes, a Non-conformist clergyman, for whom his brother, the learned Dr. Hickes, afterwards a sufferer in the cause of James, sued in vain for pardon. Some months after, when Jeffreys had brought on a fit of dangerous illness by one of his furious debauches, the King expressed great concern, and declared that the loss could not be easily repaired.’

‘ The public acts and personal demeanour of the King himself agreed too well with the general character of these judicial severities. An old officer, named Holmes, who was taken in Monmouth’s army, being brought up to London, was admitted to an interview with the King, who offered to spare his life if he would promise to live quietly.

He answered, that his principles had been, and still were "republican," believing that form of government to be the best; that he was an old man, whose life was as little worth asking as it was worth giving: an answer which so displeased the King, that Holmes was removed to Dorchester, where he suffered death with fortitude and piety.'

'The proceedings on the circuit seem, indeed, to have been so exclusively directed by the King and the Chief Justice, that even Lord Sunderland, powerful as he was, could not obtain the pardon of one delinquent. Yet the case was favourable, and it deserves to be shortly related, as characteristic of the times. Lord Sunderland interceded repeatedly with Jeffreys for a youth named William Jenkins, who was executed in spite of such powerful solicitations. He was the son of an eminent Non-conformist clergyman, who had recently died in Newgate after a long imprisonment, inflicted on him for the performance of his clerical duties. Young Jenkins distributed mourning rings, on which was inscribed, "William Jenkins, murdered in Newgate." He was in consequence imprisoned in the gaol of Ilchester; and, being released by Monmouth's army, he joined his deliverers against his oppressors.'

'Vain attempts have been made to exculpate James, by throwing part of the blame of these atrocities upon Pollexfen, an eminent Whig lawyer, who was leading counsel in the prosecution; a wretched employment, which he probably owed, as a matter of course, to his rank as senior King's counsel on the circuit. His silent acquiescence in the illegal proceedings against Mrs. Lisle must, indeed, brand his name with indelible infamy. But, from the King's perfect knowledge of the circumstances of that case, it seems to be evident that Pollexfen's interposition would have been unavailing: and the subsequent proceedings were carried on with such utter disregard of the forms, as well as the substance of justice, that counsel had probably no duty to perform, and no opportunity to interfere.'

'To these facts may be added, what, without such preliminary evidence, would have been of little weight, the dying declaration of Jeffreys himself, who, a few moments before he expired, said to Dr. Scott, an eminent divine who attended him in the Tower, "Whatever I did then I did by express orders; and I have this farther to say for myself, that I was not half bloody enough for him who sent me hither."—pp. 26-29.

Upon the whole there can be little doubt, that James's guilt in these transactions is founded on pretty complete historical evidence. As there is now no Jacobite party, there is probably no one who would be prepared to maintain his innocence; and perhaps Sir James might have found other investigations of guilt in different quarters, an impartial statement of which would have done as much for the cause of truth, had the inquiry been agreeable. The fact that James was guilty is however not unimportant, as it is one great evidence for sifting the real character of the man, from whom the people, and a great mass

of the Dissenters, would not accept the proffered gift of religious liberty. As to what Pollexfen may have done, there is no doubt, that he was a zealous and dutiful servant to one royal master, until he saw fit to adhere to another; one of those rough-handed men, fit for all descriptions of work, whom it was then not difficult to find. That he should have made any 'interposition,' which Sir James seems to consider the natural course of 'an eminent Whig lawyer,' is not very probable, and in passing by his conduct in the affair little seems to suggest itself, except a feeling of humiliation that a revolution in a great nation, affecting the state of society through hundreds of years, should have depended in its conduct on such men.

Sir James has given in the Appendix, the Letters of the Lord Chief Justice referred to, and as moral curiosities, they are far more interesting than any part of the narrative. There is a fine *Salvator Rosa* ruggedness in some of the expressions.

Letter from Lord Chief Justice Jeffreys, to his Majesty King James II, dated at Tunton, September 19th, 1685.

'I most humbly beseech yo^r Maj^{ty} to give mee leave to lay hould of this opportunitie, by my Lord Churchill, to give your Maj^{ty} an account that I have this day finished what was necessary for your Maj^{ties} service in this place; and begge leave that yo^r Maj^{ty} will be gratically pleased to lett me referre to my Lord Churchill, for the particulars; for I have not as yet perfected my papers soe as to be able to doe it so exactly as my duty to yo^r Maj^{ties} service requires. I received yo^r Maj^{ties} comānds, by my Lord Sunderland, about the rebells yo^r Maj^{ty} designs for transportation; but I beseech yo^r Maj^{ty} that I may inform you that each prisoner will be worth ten pound if not fifteen pound a-piece; and, Sir, if y^e Maj^{ty} order them as y^e have already designed, persons that have not suffered in the service will run away with the booty, and I am sure, Sir, yo^r Maj^{ty} will be continually perplexed with petitions for recompences for sufferers, as well as for rewards for servants. Sir, I hope yo^r Maj^{ty} will pardon this presumption. I know it is my duty to obey. I have only respited doing anything, till I know your Royal pleasure is, they should have the men: for uppon my allegiance to y^e Sir, I shall never trimme in m^y obedience to yo^r comānds in all things. Sir, had not yo^r Maj^{ty} beene pleased to declare yo^r graticious intentions to them that served y^e in the soldiery, and also to the many distressed families ruined by this late rebellion, I durst not have presumed to give yo^r Maj^{ty} this trouble. Sir, I will, when I have the hon^r to kisse y^e Maj^{ties} hands, humbly acquaint you with all matters yo^r Maj^{ty} hath been gratically pleased to entrust me wth, and doubt not, Sir, but to be able to propose a way how to gratifie all such as yo^r Maj^{ty} shall be pleased to thinke deserving of it, wthout touching yo^r Excheq^r. I most humbly thro mysele at y^e Royal feete, for y^e pardon for this presumption, w^{ch} I was emboldened to by yo^r Maj^{ties} most graticious acceptance, of my meane

services. Sir, I begge leave to inclose some papers of the confessions and behaviour of those that were executed since my last. I purpose for Bristow on Munday, and thence to Wells; and shall not dare to trouble yo' Maj^{tye} any further; except it be to beseech y^r Royal pardon for all the mistakes, and crave leave heartily and humbly to assure y^r Maj^{tye} I had rather dye than omit any opportunity wherein I might approve myselfe,

Royal Sir,

Yo' Maj^{ties} most dutifull

And obedient subject and serv^t

JEFFREYS.*

Now it is a remarkable fact, that the man who penned this letter, would not become a Roman Catholic to please the King, or even to promote his own interest; for he was not and could not have hoped to be in the councils of the Prince of Orange. The attempts to convert obsequious courtiers, follow in the course of the narrative; and others not less ready to serve their master in temporal matters, were found equally reluctant to shake the pillars of the established Episcopal Church. Halifax, who whatever might be the republicanism of his heart, had no objection to serve royal masters, was early given up as hopeless. According to a quotation from Fox's MSS, James told Barillon, that 'his design was to obtain a repeal of the Test and Habeas Corpus Acts, of which the former was destructive to the Catholic religion, and the other to the royal authority; that Halifax had not the firmness to support the good cause, and that he would have less power of doing harm if he were disgraced.' (37). Perth, the Chancellor of Scotland, found arguments sufficient to convert him to the Roman Catholic faith in the papers produced from the strong box of Charles II; but others were not so courteous to the arguments of a living monarch.

'The King failed in a personal attempt to convert Lord Dartmouth, whom he considered as his most faithful servant for having advised him to bring Irish Troops into England, as they were more worthy of trust than others; a remarkable instance of a man of honour who adhered inflexibly to the church of England, though his councils relating to civil affairs were the most fatal to public liberty. Middleton, one of the Secretaries of State, a man of ability, supposed to have no strong principles of religion, was equally inflexible. The Catholic divine who was sent to him began by attempting to reconcile his understanding to the mysterious doctrine of transubstantiation. "Your Lordship," said he, "believes the Trinity." "Who told you so?" answered Middleton, "you are come here to prove your own opinions, not to ask about mine." The astonished priest is said to have immediately retired. Sheffield, Earl of Mulgrave, is said to have sent away

* From domestic Letters in the State Paper Office.

a monk who came to convert him, by a jest upon the same doctrine : " I have convinced myself," said he, " by much reflection, that God made man ; but I cannot believe that man can make God." But though there is no reason to doubt his pleasantry or profaneness, his integrity is more questionable. He was made Lord Chamberlain immediately after Jeffreys's circuit. He was appointed a member of the Ecclesiastical Commission, when Sancroft refused to act. He continued in that office to the last. He held [out] hopes that he might be converted, to a very late period of the reign. He was employed by James to persuade Sir George Mackenzie to consent to the removal of the Test. He brought a patent for a Marquisate to the King when on the eve of quitting the kingdom ; and in the month of October, 1688, he thought it necessary to provide against the approaching storm by obtaining a general pardon. Colonel Kirke, from whom strong scruples were hardly to be expected, is said to have answered the King's desire, that he would listen to Catholic divines, by declaring, that when he was at Tangier, he had engaged himself to the Emperor of Morocco, if ever he changed his religion, to become a Mahometan. Lord Churchill, though neither insensible to the kindness of James, nor distinguished by a strict conformity to the precepts of religion, withstood the attempts of his generous benefactor to bring him over to the church of Rome. He said of himself, that though he had not led the life of a saint, he trusted that he had the courage to die the death of a martyr.—pp. 83—85.

If James had a particle of humour in his constitution, Churchill's coupling his own name with ' the death of a martyr,' must have appeared to him infinitely grotesque. It would be difficult to discover, as connected with history, a set of more aptly constituted ruffians from the ' remarkable instance of a man of honour' downwards, than the persons thus commemorated as refusing to become Papists. Sir James's reflection on the subject must be quoted.—

' So much constancy in religious opinion may seem singular among courtiers and soldiers : but it must be considered, that the inconsistency of men's actions with their opinions is more often due to infirmity than to insincerity ; that the members of the Protestant party were restrained from deserting it by principles of honour ; and that the disgrace of desertion was much aggravated by the general unpopularity of the adverse cause, and by the violent animosity then raging between the two parties who divided England and Europe.'—p. 85.

That some men knew how to read the sign of ' the unpopularity of the adverse cause,' well enough to believe that James would never be able to complete his intentions in favour of the Roman Catholic religion, and that on a knowledge of the effect of popular power they calculated that their resistance might not

go without its reward,—may be true. To those who had not so much foresight, the historian's 'principles of honour' have to be applied. It is well known that all men, however flagitious, have some restraining principle, although they may be driven a long way into crime before they arrive at it. Italian banditti will not insult the image of the Virgin, though by one snatch at its ornaments, they could procure more spoil than ten years of watching and fighting would be likely to throw in their way; and thieves transported for the third time, have been known to exult in never having betrayed a comrade. Few monarchs have been able to drive their courtiers so far back upon the secret inclosures of their consciences, as James. In England, Rochester's conscience could not perform all that was wanted of it; recourse was had to Sunderland, the barriers of whose conscience were still more hidden; he stood a good deal of trial and exertion, but even these barriers were at last reached, and James was obliged to find in the person of Petre one whose conscience agreed more exactly with his own. In Ireland, Clarendon after many services, was obliged to yield the reward to Tyrconnel. In Scotland, Mackenzie the King's Advocate had been a laborious worker in the vineyard of royalty. He had written philosophy in maintenance of the royal power; no respect for laws, no dictates of humanity, had prevented him from labouring in its support, during a great period of his life; he had boldly struck at the highest in the land, and unweariedly pursued to death the common people, till his name was carried to posterity with the qualification of 'The bloody Advocate;' yet he too was obliged to renounce the reward of all his labours; 'tulit alter honores.' He retired to the fields and brooks, and wrote on the vanity of ambition.

The course of the narrative shows the Legislature at last driven to extremities by the King, and for the first time evincing a spirit of disaffection to royal commands, on the introduction of the scheme for abolishing the Test and Penal Laws. When the ordinary principles of honesty which regulate the conduct of men are gone, their consciences are found acting strange parts, and if a stranger could be presented with a narrative of these events without initiating him into party feelings, it would be curious to hear his reflections on the circumstance, that the Legislature could not be roused to vindicate its independence, until it was proposed to establish liberty of conscience. James finding his loyal Lords and Commons unwilling to aid him in the business, resolved to do it himself. This was a period of difficulty for well-thinking men, and for those who were not persecutors. In the course

of his investigations on this part of the subject, Sir James has discovered something to the honour of the Bar. The celebrated addresses from the Middle and Inner Temple, published in the Gazette, are not found on an investigation of the Records, and are therefore presumed to be forgeries. 'The necessity of recurring to such a fraud,' says the author, 'and the silence of the other Law Societies, may be allowed to form some proof that the independence of the Bar was not utterly extinguished.' (177). If the addresses were not voted—and the forgery of them would certainly have been a very vain piece of trouble—the act of publishing them was one of those impertinent liberties which the monarch would not have taken with a body likely to resent or gainsay it.

But of all the sets of men, the situation of the Dissenters at that critical period was perhaps the most trying. That after thousands of their numbers had rotted in jails, they should have accepted the Declaration of Indulgence is natural; that they should have thanked the giver was not less so; and it is even wonderful that a calculation of distant consequences should have prevented the country from ringing with their acclamations. Many not only accepted the boon, but returned congratulatory addresses. Of these some may have conceived that the toleration granted was sincere; others may have been willing to accept a helping hand to lift them to a situation where by being placed more nearly on a level with their persecutors they might be better able to defend themselves from attacks, whether from Episcopalians or Catholics; others may have rejoiced at the downfall of the Church of England; as among those who declined the boon, there may have been a few whose hatred of the ascendancy of the Church of Rome overcame all other feelings. Sir James says—

'The result of the action of these conflicting motives seems to have been, that the far greater part of all denominations of the Dissenters availed themselves of the declaration so far as to resume their public worship; that the most distinguished of their clergy and the majority of the Presbyterians resisted the solicitations of the court to sanction the dispensing power by addresses of thanks for this exertion of it; that all the Quakers, the greater part of the Baptists, and perhaps also of the Independents, did not scruple to give this perilous token of their misguided gratitude, though many of them confined themselves to thanks for toleration, and solemn assurances that they would not abuse it. About a hundred and eighty of these addresses were presented in ten months, of which there are only seventy-seven exclusively and avowedly from Nonconformists. If to these be added a fair proportion of them at first secretly and at last openly corporators and grand jurors, and a larger share of those

who addressed under very general descriptions, it seems probable that they were almost equally divided between the Dissenting communions and the Established Church.'—pp. 175—6.

But to resist the importunities for congratulatory addresses, was not the only act of those Dissenters who foresaw the natural event of James's proceedings, or objected to the laws being made and unmade by the King. History has been as unmindful as the Episcopalian church proved itself ungrateful, regarding their support in the opposition of the bishops. James when he called upon the clergymen to read his Declaration, probably little dreamed that they would resist. They had done such things before, but not where the command tended to undermine the Established Church. In compliance with an order in council, they had read Charles the Second's apologies for the dissolution of his two last Parliaments, on one of which occasions the King had censured a Resolution against the prosecution of Protestant Dissenters. They had read the declaration of Charles on the Rye-House Plot, and thereby sanctioned the shedding of blood. But James did not clearly see the distinction of the two sets of cases. The church was placed in considerable perplexity. There was a choice of two measures,—either to obey the King without 'trimming' according to Jeffreys's term, give up all religious prejudices, and trust to the reward which would follow when James should be able to make the whole nation equally subservient to his will,—or trust to the power of the Church Establishment, as a protector to those who should do their best to preserve its privileges immaculate, and keep the monopoly in existence in preference to one in expectancy. The consciences of the prelates were generally in favour of the latter alternative; and those who had any foresight might have seen from the disposition of the people, its preferableness in a prudential view. Yet they vacillated, and their ultimate decision was perhaps partly owing to accident. Sir James gives the following sketch of their councils, in which he adopts the Livy-like plan of supplying them with arguments, and certainly shows considerable knowledge of, and sympathy with, the reasons which an English bishop has for supporting an established church.

'A meeting became necessary, and was hazarded. A diversity of opinions prevailed. It was urged on one side that a refusal was inconsistent with the professions and practice of the Church; that it would provoke the King to desperate extremities, expose the country to civil confusions, and be represented to the Dissenters as a proof of the incorrigible intolerance of the establishment: that the reading of a proclamation implied no assent to its contents, and that it would be presumption in the clergy to pronounce a judgment against the

legality of the dispensing power, which the competent tribunal had already adjudged to be lawful. Those of better spirit answered, or might have answered, that the danger of former examples of obsequiousness was now so visible that they were to be considered as warnings rather than precedents; that compliance would bring on them command after command, till at last another religion was established; that the reading, unnecessary for the purpose of publication, would be understood as an approval of the Declaration by the contrivers of the order, and by the body of the people; that the parliamentary condemnations of the dispensing power were a sufficient reason to excuse them from a doubtful and hazardous act; that neither conscience nor the more worldly principle of honour would suffer them to dig the grave of the Protestant church, and to desert the cause of the nobility, the gentry, and the whole nation. Finally, that in the most unfavourable event, it was better to fall then under the King's displeasure, but supported by the consolation of having fearlessly performed their duty, than to fall a little later unpitied and despised, amidst the curses of the people whom they had ruined with their compliance. From such a fall they would rise no more. One of those middle courses was suggested which is very apt to captivate a perplexed assembly. It was proposed to gain time, and smooth a way to compromise, by entreating the King to revert to the ancient methods of communicating his commands to the Church. The majority appeared at first to lean towards submission or evasion, which was only disguised and deferred submission. Happily, a decisive answer was produced to the most plausible argument of the compliant party. Some of the chief ministers and laymen among the Nonconformists earnestly besought the clergy not to judge them by a handful of their number who had been gained by the Court; but to be assured that, instead of being alienated from the Church, they would be drawn closer to her, by her making a stand for religion and liberty. A clergyman present read a note of these generous declarations, which he was authorized by the Nonconformists to exhibit to the meeting. The independent portion of the clergy made up, by zeal and activity, for their inferiority in numbers. Fatal concession, however, seemed to be at hand, when the spirit of an individual, manifested at a critical moment, contributed to rescue his order from disgrace, and his country from slavery. This person, whose fortunate virtue has hitherto remained unknown, was Dr. Edwyrd Fowler, then incumbent of a parish in London, who, originally bred a dissenter, had been slow to conform at the Restoration, was accused of the crime of whiggism at so dangerous a period as that of Monmouth's riot; and, having been promoted to the see of Gloucester, combined so much charity with his unsuspected orthodoxy as to receive the last breath of Firmip, the most celebrated Unitarian of that period. When he perceived that the courage of his brethren faltered, he addressed them shortly: "I must be plain. There has been argument enough. More only will heat us. Let every man now say Yea or Nay. I shall be sorry to give occasion to schism, but I cannot in conscience read the Declaration; for that reading would be

an exhortation to my people to obey commands which I deem unlawful." Stillingfleet declared, on the authority of lawyers, that reading the Declaration would be an offence, as the publication of an unlawful document. He excused himself from being the first subscriber to an agreement not to comply, on the ground that he was already proscribed for the prominent part which he had taken in the controversy against the Romanists. Patrick offered to be the first, if any man would second him, and Fowler answered to the appeal which his own generosity had called forth. They were supported by Tillotson, though only recovering from an attack of apoplexy, and by Sherlock, who then atoned for the slavish doctrines of former times. The opposite party were subdued by this firmness, and declared that they would not divide the Church. The sentiments of more than fourscore of the London clergy were made known to the metropolitan; and at a meeting at Lambeth, on Saturday the 12th of May, where there were present, besides Sancroft himself, only the Earl of Clarendon, three bishops, Compton, Turner, and White, together with Tennyson, it was resolved not to read the Declaration; to petition the King that he would dispense with that act of obedience, and to entreat all the prelates within reach of London, to repair thither to the aid of their brethren. It was fit to wait a short time for the concurrence of these absent bishops. Lloyd of St. Asaph, late of Chichester, Kenn of Bath and Wells, and Trelawney, quickly complied with the summons; and were present at another and more decisive meeting at the archiepiscopal palace on Friday, the 18th of the same month, where, with the assent of Tillotson, Stillingfleet, Patrick, Tennyson, Grove, and Sherlock, it was resolved, that a petition, prepared and written by Sancroft, should be forthwith presented to His Majesty.—pp. 244-7.

Strange analogies are often made by the students of history; and many have not hesitated to compare the wrangling of this conclave of priests trying to discover whether it was a better plan for the support of their episcopal hierarchy, to do as they were bid by a Roman Catholic King or to do otherwise and trust to his feebleness,—to Pym's Charge of Grievances, or Hampden's Trial. Admitting all merit to their resistance which the most high-flown constitutionalist can claim, still they encouraged the evil before they tried to stem it. The doctrines which they had inculcated against the people, were an invitation of the blow directed against themselves; and it was not till the tyranny they had fostered approached their own door, that they gave it a trembling opposition. But it will appear from reflection on the above passage, that James had not so very far miscalculated the obedience of that church which he had previously eulogized as favourable to monarchy. L'Estrange, who seems much puzzled how to connect the cause and effect of the matter, remarked at the time, 'About twenty years together, without any regard to the nobility, gentry, and com-

monality, our clergy have been publishing to the world that the King can do greater things than are done in his Declaration ; but now the scene is altered, and they are become more concerned to maintain their reputation even with the commonality than with the King.' Sir James complains that the Scotch bishops were wanting at this juncture in the support of episcopacy, and that they were to be found among the enemies of the English Church ; but he should have considered the different situations of the two establishments. That of Scotland was a pent-up garrison, which warred with and devastated the country round. A bishop's hand was against every man, and every man's hand against him. Such prelates had no room in their philosophy for the question whether it was fit to obey a King to the extent of toleration ; without his assistance they would fall headlong from their eminence, but with his assistance they would be able to keep up a hierarchy of some sort or other ; so after two of them had been suspended for preaching against papacy, the rest profited by their example, and held forth the hand of friendship to those whose blood they had for years been seeking. Nor were there wanting among those who held rich benefices in the Church of England, some who would willingly have gratified the King. It appears that the poorer clergy made the sturdier resistance.

'In Durham,' on the other side, Crew found so great a number of his poor clergy more independent than a vast revenue could render himself, that he suspended many for disobedience. The other deserters were disobeyed by nineteen twentieths of their clergy ; and not more than two hundred in all are said to have complied out of a body of ten thousand. "The whole Church," says the nuncio, "espouses the cause of the bishops. There is no reasonable expectation of a division among the Anglicans, and our hopes from the Nonconformists are vanished." Well, indeed, might he despair of the dissenters, since, on the 20th of May, the venerable Baxter, above sectarian interests and unmindful of ancient wrongs, from his tolerated pulpit extolled the bishops for their resistance to the very Declaration to which he now owed the liberty of commenting them.—pp. 252-3.

With the usual attempt at theatrical effect which has been repeated with variations from the days of Hume downwards, Sir James tries to rival precursors in a description of the conveyance of the bishops to the Tower, their imprisonment and trial, detailing all the minuté circumstances of their magnanimity, down to their refusal of the usual fees because they had been treated with unpoliteness in the Tower. It is true these men were imprisoned, suffered some annoyances, and were brought to a trial a not improbable consequence of which was, that

they might have been compelled finally to yield with some ignominy. But their having brought the blow on their own heads by assisting in the attacks upon the people, would itself be sufficient to disentitle them to all sympathy. But another consideration here obtrudes itself. For many years previously, thousands of the Dissenters and Roman Catholics had, without the pomp of processions or of public martyrdom, been hurried to secret dungeons, where their lives were protracted through scenes of unknown and unnoticed misery, or terminated by the most terrible of all deaths, the wasting of the body in an unwholesome dungeon. Penn said that during the reigns of James and Charles, more than 5000 persons had died in bonds for matters of mere conscience;—and all this was done by the men, whose triumphant procession to prison, their intercourse with all the most powerful persons in the country while there, and final acquittal, are held up to the world as a series of noble resistance and final triumph from the excellence of their cause. But there is still another aspect in which the conduct of the Church has to be viewed,—that of treachery. Along with the other support which the bishops received from the Dissenters, they were visited by ten Nonconformist clergymen in the Tower. After their acquittal they entered into regular terms with the Dissenters, which were foully broken.—

‘The Court and the Church contended with each other for the alliance of the Dissenters, but with very unequal success. The last attempt of the King to gain them, was the admission into the privy council of three gentlemen, who were either Nonconformists, or well disposed towards that body,—Sir John Trevor, Colonel Titus, and Mr. Vane, the posthumous son of the celebrated Sir Henry Vane. In the mean time, the Church took better means to unite all Protestants against a usurpation which clothed itself in the garb of religious liberty. The established clergy held several consultations on the mode of coming to a better understanding with the Dissenters. The archbishop and clergy of London had several conferences with the principal dissenting ministers on the measures fit to be proposed about religion in the next parliament. The primate himself issued admonitions to his clergy, in which he exhorted them to have a very tender regard to their brethren, the Protestant Dissenters, and to entreat them to join in prayer for the union of all reformed churches “at home and abroad, against the common enemy,” conformably to the late petition of himself and his brethren, in which they had declared their willingness to come into such a temper as should be thought fit with the Dissenters, when that matter should be considered in parliament and convocation. He even carried this new-born tenderness towards the long persecuted Dissenters so far as to renew those projects for uniting the more moderate of them to the Church, by some concessions relating to the terms of worship, and for exempting those whose scruples were

insurmountable from the severity of penal laws, which had been smothered by his friends, when they were negotiated by Hale and Baxter in the preceding reign ; and, within a few months after, these amicable overtures were again resisted, by the same party, with too much success.'—p. 285.

Even before they had an opportunity of making a legislative resistance to the claim of the Dissenters for the performance of their promises, they showed a disposition to shake off such unwelcome auxiliaries. The establishment of a Calvinistic king, they dreaded more than that of a Roman Catholic. At the landing of the Prince of Orange the poor bishops were put to a most severe trial of ecclesiastical logic,—Calvinism on the one hand, Papistry on the other. But being promised the restoration of their own privileges, they preferred him who considered the Episcopal church favourable to monarchy, and left the people and the Dissenters to fight their own battles. So much for the conduct of the bishops in this memorable transaction. It is probable that they were personally men just of ordinary virtue, and that all parts of their history arose from the situation in which they were placed, and from their not being above, rather than from their being inferior to ordinary men. There was one at least whose heart was surely good, whatever may be said of his head. Bishop Kenn had been long the advocate, if not of anything approaching to toleration, at least of mercy ; and he had frequently opposed the unjust acts of that prince, in pertinacious adherence to whose divine right he gave up his honours. Nor should it be forgotten, that Sancroft vindicated his opinions by a similar sacrifice.

The motives of James have afforded, and so long as the subject continues to be of any interest, will afford, matter for ceaseless speculation and discussion by historians. It is perhaps impossible for any candid man to say he has made up his mind, so as not to have any stray doubts of the accuracy of his opinion on the subject. Sir James Mackintosh says,—

‘ It is hard to determine, perhaps it might have been impossible for James himself to say, how far his designs for the advancement of the Roman Catholic church extended at the period of his accession to the throne. It is agreeable to the nature of such projects that he should not, at first, dare to avow to himself any intention beyond that of obtaining relief for his religion, and placing it in a condition of safety and honour ; but it is altogether improbable that he had even then steadily fixed on a secure toleration as the utmost limit of his endeavours. His schemes were probably vague and fluctuating, assuming a greater distinctness with respect to the removal of grievous penalties and disabilities, but always ready to seek as much advantage for his Church as the progress of circumstances should render attainable : sometimes

drawn back to toleration by prudence or fear, on other occasions impelled to more daring counsels by the pride of success, or by anger at resistance. In this state of fluctuation it is not altogether irreconcilable with the irregularities of human nature that he might have sometimes yielded a faint and transient assent to those principles of religious liberty which he professed in his public acts, though even this superficial sincerity is hard to be reconciled with his share in the secret treaty of 1670; with his administration of Scotland, where he carried his passion for intolerance so far as to be the leader of one sect of heretics in the bloody persecution of another; and with his language to Barillon, to whom, at the very moment of his professed toleration, he declared his approbation of the cruelties of Louis XIV against his own Protestant subjects*. It would be extravagant to expect that the liberal maxims which adorned his public declarations had taken such a hold on his mind as should withhold him from endeavouring to establish his own religion as soon as his sanguine zeal should lead him to think it practicable, or that he should not in process of time go on to guard it by that code of disabilities and penalties which was then enforced by every state in Europe except Holland, and deemed an indispensable security for their religion by every Christian community, except the obnoxious sects of the Socinians, Independents, Anabaptists, and Quakers. 'Whether he meditated a violent change in the established religion from the beginning, or only entered on a course of measures which must terminate in its subversion, is rather a philosophical than a political question.'—pp. 131-2.

The sentiments of the author of the *Continuation* are of a somewhat more decided nature, but it will be seen that many of them are founded more on an angry contempt for the opinions which have been maintained by Sir James Mackintosh and others, than on a calm consideration of the facts.

'The professions of respect for liberty of conscience made by James, were, it will be said, hollow and perfidious.'

'Religious prejudice is of all others the most unjust and blind. Protestants found it impossible in the seventeenth, and find it difficult in the nineteenth centuries, to dissociate Popery and intolerance. An opinion of the good or bad faith of James is uncalled for here. It may be observed, however, in fairness to his memory and religion, that where he violated law, he unmanacled conscience; that a believer in the dogmas of the Church of Rome, and even a zealot for proselytism, is not necessarily a persecutor; that Fenelon interfered in the truest spirit of toleration and charity for the persecuted Protestants of France,

* 'J'ai dit au Roi que V. M. n'avoit plus au cœur que de voir prospérer les soins qu'il prend ici pour y établir la Religion Catholique. S. M. B. me dit en me quittant, "Vous voyez que je n'omets rien de ce qui est en mon pouvoir. J'espère que le Roi votre maître m'aidera, et que nous ferons de concert des grandes choses pour la religion."—Barillon. ^{2d} ~~12th~~ May, 1687. I Fox MSS. 183.

while the Protestant bishops of England to a man forged the chains and urged the persecution of English papists and dissenters; finally, that from the restoration of Charles, to the first declaration of indulgence by James, "Above fifteen thousand families had been ruined, and more than five thousand persons had died in bonds, for mere matters of conscience to God:" that is, victims to the intolerant ascendancy of the Church of England.'—pp. 378-9.

That many historians, and among the rest Sir James Mackintosh, have made his being of the Roman Catholic persuasion a constituent part of the mal-administration of James,—is true; though very few people will now support the fallacy. But admitting that James was as much entitled to be a Roman Catholic as to be of any other persuasion, still there was danger to the people in the circumstance of his being so. Because Fenelon was liberal in France, it is not at all to be presumed that James would improve the charity of the Anglican Church from his being a Catholic. Leaving the question of his absolute aims with regard to his Church, it cannot be overlooked that his principles were despotic,—that despots like to bring their subjects over to their own opinions,—and that in nothing are they so zealous to make their faithful people think right and along with themselves, as in matters of religion. It must be allowed too, that at that period the Roman Catholic Church was a more dangerous one for a monarch to be a member of, than the Episcopalian. Not because it made him more illiberal; but because it was a more full-grown hierarchy, and from the state of Europe invested Kings with greater powers for fighting against the people. That he was a dangerous man from being a Roman Catholic, was not the fault of James himself, but of that government which allowed the speculative opinions of one man so far to affect the community.

'Viewing the Revolution of 1688 at this distance of time, and with the lights of the present day, it is impossible to deny James a certain superiority in the comparison of abstract principles. His standard bore the nobler inscription. He proclaimed religious liberty impartial and complete, and had he not sought to establish it by his own lawless will,—had his proceedings been but worthy of his cause,—posterity might regard him not as a tyrant justly uncrowned, but as a beneficent prince who became the victim of an intolerant faction, an overweening hierarchy, and a besotted multitude.'

'James, it will be said, only wore the mask of liberality in order to destroy protestantism and enthrone popery in its ancient and exclusive domination. To suppose him sincere in all that he professed would be credulity, not charity or candour. He doubtless had at heart the establishment of the Catholic religion, with that of absolute power. But did he, directly in the teeth of his reiterated professions, from his

address when Duke of York to the magistrates of Amsterdam in 1679, to the second declaration of indulgence in 1688, contemplate the extirpation of protestantism by fraud and force? A sincere and sanguine religionist, may he not have been under the delusion, that what he believed to be truth, above all, sacred truth, must triumph over error by argument and persuasion, if but allowed to take the field on equal terms? The philosophic observer, weighing the influence of passion, prejudice, and a social system, vicious to the core, would have less confidence. His calculations would, perhaps, incline the other way. But James was no philosopher. The question is one which each student of human nature, and of James's reign and character, will decide for himself.

'Let it, however, be assumed for a moment, and for the argument, that James II cherished in secret the treacherous after-thought of proscribing protestantism and re-establishing popery; still religious liberty was not the less beneficent and sacred because it came from him. The Christian dispensation was not less divine because it came from Galilee. It is strange that at the threshold of the eighteenth century, not one of the whigs of the Revolution, those boasted champions of freedom and protestantism, appears to have been on a level with the true principle of either. As moralists and politicians they should have known, that the motive could not vitiate the right or materially change its operation; that liberty is a weapon, which, employed for his purposes by a tyrant, would recoil upon himself; that it was a solecism to suppose the unchaining of religious conscience a way to establish religious slavery. As Englishmen they should have remembered, that if popery was in possession of the throne, protestantism had on its side the great mass of the nation, and was therefore unconquerable. But the real secret, if it be any longer a secret, is, that the whigs of 1688 had no notion of freedom beyond their sect or party; that with liberty on their lips, monopoly and persecution were in their hearts. One man only appears to have been sufficiently in advance of the whigs and of his generation, to reach just views of religious liberty. It was William Penn. "Penn," says Bishop Burnet, "and the tools employed by him, had still some hopes of carrying a parliament to agree with the King;" in other words, Penn had still hopes of establishing liberty of conscience on the basis of the constitution.' pp. 413-14.

Setting aside the question of the motives of the Whigs, if these arguments are merely used against the Bishops, who never disobeyed the King till he called on them for tolerance, they may be very sound. If they are arguments against the act of driving James from the Throne and chusing the Prince of Orange as the better alternative, their soundness may be disputed. Arguing from previous circumstances,—and from previous circumstances a nation must argue on the character of its monarch, just as a master does on that of his

servant,—there is every reason to presume that if James had thought his measures would stop at the establishment of toleration, he never would have commenced them. During his administration in Scotland, he was a most zealous agent in the persecution of the Presbyterians, and effected acts of more extended scrutiny into private conduct than Lauderdale had ever been able to achieve. Among his acts was the prosecution of Argyle, which he has himself condescended to vindicate on the ground that he wanted, not his life, but his money. He considered the Presbyterian religion not favourable to monarchy ; —it is indeed probable that he may have looked on the Episcopal persuasion as worthy of comparative protection, from being in this respect the better of the two. On his accession, the sword of persecution was not sheathed. In his letter to the Scotch Parliament of 1685, he hopes to be able to protect ‘ the rights and properties ’ of his subjects, ‘ against fanatical contrivances, murderers and assassins, who having no fear of God more than honour for us, have brought you into such difficulties, as only the blessing of God upon the steady resolutions of our said dearest royal brother and those employed by him (in prosecution of the good and wholesome laws heretofore offered), could have saved you from the most horrid confusions and inevitable ruin. Nothing has been left unattempted by those wild and inhuman traitors for endeavouring to overturn your peace ; and therefore we have good reason to hope, that nothing will be wanting in you to secure yourselves and us from their outrage and violence in time coming, and to take care that such conspirators meet with their just deservings, so as others may thereby be deterred from courses so little agreeable to religion, or their duty and allegiance to us. These things we considered to be of so great importance to our royal as well as to the universal interest of that our kingdom ; as we were fully resolved in person to have proposed the needful remedies to you, but that things have so fallen out, as renders this impossible for us *.’ In conformity with this declaration, Woodrow and others have recorded many instances which show that the mantle of Charles had not departed. A fierce Presbyterian who took advantage of the Indulgence to vent his long boiling wrath, records his sense of James’s mercies in these pithy sentences. ‘ In the begiuing of this *killing time*, as the Country calls it ; the first Author and Authorizer of all these Mischiefs, *Charles II.* was removed by death. Then one would have thought, the Severity would have stopped: And the Duke of York succeed-

ing, in his late Proclamation would make the world believe, that it never was his principle, nor will he ever suffer violence to be offered to any man's Conscience, nor use force or invincible necessity against any man on the account of his persuasion; Smooth words, to cover the mischiefs of his former Destructions, and the wickedness of his future designs. To which, his former celebrated saying, *that it would never be well till all the south-syd of Forth were made a hunting-field*, and his acts and actings designed to verify it, since his unhappy succession, do give the lie. For immediately on his mounting the Throne, the executions and Acts prosecuting the Persecution of the poor *Wanderers*, were more Cruel than ever. There were more butchered and slaughtered in the fields, without all shadow of Law, or Trial, or Sentence, than in all the former Tyrant's reign; who were murdered without time given to deliberate upon death, or space to conclude their Prayers, but either in the instant when they were Praying shooting them to death, or surprising them in their Caves, and murdering them there, without any grant of Prayer at all; Yea many of them murdered without taking notice of any thing to be laid against them, according to the worst of their own Lawes, but slain and cut off without any pity, when they were found at their labour in the field, or travelling upon the road. &c.*' James had more subservient and more powerful friends in Scotland, than he had in England, and accordingly his attempts to procure indulgence were more distinctly in favour of the Roman Catholics, for he was in a situation more explicitly to express his wishes. In a communication to the Parliament of 1686, in which he proposes an oblivion to the unslaughtered remainder of the adherents of Argyle, he says 'we cannot be unmindful of others, our innocent subjects, those of the Roman Catholic religion, who have with the hazard of their lives and fortunes been always assistant to the Crown in the worst of rebellions and usurpations, though they lay under discouragements hardly to be named. Them we do heartily recommend to your care, to the end, that as they have given good experience of their true loyalty and peaceable behaviour, so by your assistance they may have the protection of your laws, and that security under our government which others of our subjects have, not suffering them to lye under obligations which their conscience cannot admit of. By doing whereof you will give a demonstration of the duty and affection you have for us, and do us most acceptable service. This love we expect you will show to your brethren,

* A Hind let loose. By a Lover of True Liberty. [The Rev. John Shields]. 1687. p. 200.

as you see we are an indulgent father to you all *.' James was unfortunate again in his calculations of the extent to which royal authority could urge to toleration. The Parliament which never disobeyed him in persecution, debated his request for indulgence, and modified their acquiescence to the extent of what their 'conscience' would permit. The declaration of liberty of conscience which he then proclaimed in Scotland, made considerable distinctions in the license it permitted. This document bears that, 'By our Sovereign authority, prerogative royal, and absolute power, which all our subjects are to observe without reserve,' 'We allow and tolerate the moderate Presbyterians to meet in their private houses. And these to hear all such ministers as either have or are willing to accept of our indulgence *alleganly* and none other.—It is our royal will and pleasure that field conventicles, and such as preach or exercise at them, shall be prosecuted according to the utmost severity of our laws. In like manner we do hereby tolerate Quakers to meet and exercise in their form, in any place or places appointed for their worship. And considering the severe and cruel laws made against Roman Catholics, &c. We of our certain knowledge and long experience, knowing that the Catholics, as it is their principles to be good Christians, so it is to be dutiful subjects, and that they had likewise on all occasions, shown themselves good and faithful subjects to us and our royal predecessors, by hazarding, and many of them actually losing their lives and fortunes in their defence, (though of another religion) and the maintenance of their authority, against the violences and treasons of the most violent abettors of those laws; Do therefore with advice and consent of our Privy Council, by our sovereign authority, prerogative royal, and absolute power aforesaid, suspend, stop and disable all laws or acts of Parliament, customs or constitutions, made or executed against any of our Roman Catholic subjects in any time past, to all intents and purposes making void all prohibitions therein mentioned, pains or penalties therein ordained to be inflicted; so that they shall in all things be as free in all respects, as any of our Protestant subjects whatsoever, not only to exercise their religion, but to enjoy all offices, benefices and others which we shall think fit to bestow upon them in all time coming†.'

* Act. Parl. Scot. viii. 581.

† Kennett. iii. 448-9. The drawer of these papers was Stewart a Scotch advocate, Secretary to Lord Melfort. (Balcarras's Account; 9). Dalrymple seems to suspect that he used the offensive terms of arbitrary power, &c., to bring into contempt a government he secretly disliked. He seems to have carried the accommodating principles of the age to a considerable

These circumstances are alluded to, not for the purpose of maintaining that the declaration of indulgence ought to have been rejected, supposing the country entirely at the will of the King and able to do nothing but simply receive or reject it; but for the purpose of showing that notwithstanding the declarations of indulgence, James was altogether a person of whom the sooner the people got rid the better. The author of the Continuation has some singular remarks on his stretches of power.—

‘Hitherto, the assumption of power to suspend or dispense with laws, was the main grievance specifically urged against the King, and the sheet anchor of the designs of the Prince. To these were now added the imprisonment of the Bishops, and the imposition upon the nation of a spurious heir to the crown. James II is sufficiently odious, and his deposition from the throne sufficiently warranted, without injustice or aggravation. It may be right here to pause for a moment upon these three chief heads of accusation. James affected to be above the law, and was therefore a tyrant. He did not, however, assume the right of suspending or dispensing with all laws, as according to the popular notion he is supposed to have done, but only those penal enactments which interfered with his prerogative of commanding the services of all and any of his subjects. His lawyers told him this was a prerogative inseparable from his person which no statute could limit or invade. The same prerogative had been claimed by Charles II, vindicated by Shaftesbury, and withdrawn from operation rather than renounced. James, then, did not assert it without precedent, or without law authority. He did not assert it without appeal. He submitted the question to the competent jurisdiction, and eleven of the twelve judges decided in his favour. Such a prerogative, it is true, was equivalent thus far to arbitrary power; but this admission would only prove, that arbitrary power had countenance from the law of England. The judges, it will be said, misinterpreted the law from fear or favour, and were appointed for the purpose. But discarding, as a delusive phrase, the maxim, that the King can do no wrong, and holding James responsible of right, as he was held in fact, still he was not the sole criminal, but the accomplice, and in some measure the victim of corrupt or craven judges, and of an anomalous system of jurisprudence, which allows judges to make law under the name of expounding it. In fine, of eleven judges who decided the case of Hales, four only were named by the King.’

‘To come to the case of the Bishops,—they refused compliance with an order of their king, whilst they professed passive obedience to him as a tenet of their church, and after having in precisely the same matter obeyed the royal mandate implicitly in the late reign.

extent. He was engaged in Monmouth’s rising, and was afterwards Lord Advocate to William and to Queen Anne. He wrote a law book called ‘Answers to Dirleton’s Doubts.’

They presented a petition to the King desiring to be excused. They considered their petition legal and dutiful, as most assuredly it was. The King considered it a seditious libel, committed them in default of bail, upon their refusal to enter even into their own recognisances; submitted the question to trial by a jury of their common country, and had a verdict against him. His proceedings then against the Bishops, however vexatious and oppressive, were not illegal, and therefore not tyrannical. The surest test will be to suppose James, for a moment, a true son, not of the Church of Rome, but of the Church of England, and the objects of his prosecution, not Protestant bishops, but Dissenters or Papists;—would not his conduct be very differently viewed, though the question of its legality would remain the same? The charge respecting a supposititious heir was one of the most flagrant wrongs ever done to a sovereign or a father. The son of James II was, perhaps, the only prince in Europe of whose blood there could be no rational doubt, considering the verification of his birth, the unimpeached life of his mother, and the general morality of courts and queens.—pp. 406-8. .

That of a supposititious heir, was certainly one of the most despicable excuses ever adopted by men transferring their service from a falling master to one who was rising. This point has been given up by the strongest admirers of the principles of the Revolution; but it has been the custom of historians to throw a hideous glare over all the acts of misgovernment committed by James, that the comparative superiority of William's reign may appear glorious in relief, and the infamy of his adherents be overlooked. Yet it is paltry to vituperate through page after page, the insane misgovernment of James. James had recourse to Parliaments and Judges, because no Prince however arbitrary, can do all things himself. He must have his machinery of government and his working men, to whom it will be his business to teach his views. He accomplished what he wished, by disfranchising incorporations, closeting Members, and choosing Judges who would do what they were ordered. That only four Judges were nominated by him before the case of Colonel Hales, was simply because the other eight were persons he could trust to. He found Judges very convenient people, and would perhaps have had no objection to have depended on them for his revenue, instead of on the House of Commons. That he vacillated for some time between a compliant House of Commons and the use of force, is pretty clear. Sir James Mackintosh, with a reference to Fox's MSS, says,—

'Early in September, Bonrepaux, who, on landing, met the King at Portsmouth, was surprised at the frankness with which he owned, that the repairs and enlargement of that important fortress were intended to strengthen it against his subjects.'—217. .

William does not appear on the stage before almost the concluding pages of Sir James Mackintosh's portion of the history. Although there is no direct picture of his character, it is evident that Sir James intended to have adorned it. The terms of respect used towards him are so scattered among miscellaneous matters, that it is difficult to quote a characteristic passage. The following may be more properly termed a hint of the opinion which the author is to give, than simply an opinion. —

'We possess unsuspected descriptions of his character from observers of more than ordinary sagacity, who had an interest in watching its developement, before it was surrounded by the dazzling illusions of power and fame. Among the most valuable of these witnesses were some of the subjects and servants of Louis XIV. At the age of eighteen the Prince's good sense, knowledge of affairs, and seasonable concealment of his thoughts, attracted the attention of Gourville, a man of experience and discernment. St. Evremont, though himself distinguished chiefly by vivacity and accomplishments, saw the superiority of William's powers through his silence and coldness. After long intimacy, Sir William Temple describes his great endowments and excellent qualities, his (then almost singular) combination of "charity and religious zeal," "his desire (rare in every age) to grow great rather by the service than the servitude of his country:" language so manifestly considerate, discriminating, and unexaggerated, as to bear on it the inimitable stamp of truth, in addition to the weight which it derives from the probity of the writer.'—pp. 312-13.

The character of William is perhaps more easily understood than that of James, for it is of a far more ordinary description. That he had talents of a very high order, and that they were carefully cultivated, few are prepared to deny. In most good qualities, indeed, he was somewhat above the average of kings in general. His honesty, when contrasted with that of courtiers whom he came to lead, appears in a favourable view, yet his morality was, in all respects, that of kings. At the battle of St. Denis, he showed no more regard for treaties, than what is generally paid, by making a calculation of the ultimate advantage of keeping or breaking them. In not endeavouring to bring to punishment the murderers of the De Witts, he showed that he could excuse those who committed crimes favourable to his own advancement, or that he could abstain from doing justice when it was his interest to avoid it. He certainly countenanced what he must have known to be a falsehood, when he admitted it to be said that one of the grounds of his interference was the imposition of a false heir to the crown; and Sir James Mackintosh has not been able to disprove, what must naturally be presumed from the circumstances, that he passively countenanced the expedition of Monmouth. He was in all respects

an ambitious man, and of despotical inclinations. But he was a despot of a different order from the Stuarts. Instead of a wish to be surrounded by slaves breathing fictions of divine right, he chose to be the leader and governor of a country exerting great energies at home and abroad, and by his own endeavours and their success increasing his power. It is only, however, in contrast that he appears a great man; and considering his education, his good sense, and the examples so vividly set before him, he certainly went as far in indulging the lust of power, as he can be presumed with any prudence to have gone. His dissolution of the Parliament which refused the revenue for life, and his sealed orders to increase the forces beyond the vote of the Commons, are acts too much resembling those, from the consequences of which he has received the credit of saving the country. When a king, at least one of William's power, gives his veto to an act of the legislature, he may not commit an act so inimical to liberty as is generally imagined; but by negativing the Bill for free and impartial proceedings in Parliament, he at least insulted the country. Mr. Hallam says—

‘We can hardly wonder that he should not quite render justice to the motives of those who seemed to impede his strenuous energies; that he should resent as ingratitude those precautions against abuse of power by him, the recent deliverer of the nation, which it had never called for against those who had sought to enslave it.’

Few men had persons about him more proper objects of suspicion and distrust; but the situation in which he was placed, and the causes of his succession, are the very worst excuses for his exercise of arbitrary power against the people. He has been praised for his liberality in religion;—he certainly did not exhibit a disposition to be an active persecutor. When the Presbyterians of Scotland, mad with success, wished that he should bind himself by his coronation oath to root out heretics, he answered that he would not become a persecutor; and the Irish Catholics obtained from him terms, better perhaps than most Protestant princes would feel inclined to grant. On the other hand, he wanted either courage or will to free the English Dissenters, and resigned the subject after the first opposition, without the tithe of the anxiety which he displayed about his Dutch guards. On his religious toleration, the author of the *Continuation* makes some just remarks.—

‘It would be a wrong to the character, and a misapprehension of the genius, of the Prince of Orange, to suppose that he set the value which he professed to set upon religious tests. Inheriting the principles,

and living in the practice of religious freedom,—essentially a politician,—ambitious and enlightened,—he must have been sensible of their mischievous bigotry and injustice; but to abandon the tests would have been to alienate his party in England, and thus throw up the great game of succeeding in his own person to the crown.’—p. 382.

Again,—

‘William was on a level with the principle of religious freedom, but was restrained by ambition from espousing it before, and by a bigoted parliament from establishing it after he became king.’—p. 415.

The term ‘level’ is peculiarly applicable;—he did not carry his liberality beyond what was infused into him by education. It is unnatural that he should have shown much persecuting bigotry. A bishop of the Church of England, however zealous, would be startled by the proposal of an Inquisition, and a presbyterian does not dream of an Ecclesiastical Commission.

The author of the Continuation paints with considerable force and spirit, and with no sparing hand, the conduct of those whose fate it was, in changing masters, to bring about the Revolution.—

‘A spirit of petty jealousy of each other is observable among the chief actors in the Revolution of 1688. Lord Danby insinuates distrust of Lord Halifax, to whom Dyckvelt was accredited by the Prince, and proposes that a deputation of the party shall have a personal conference with him. The Earl of Devonshire, whose zeal as a Protestant and patriot was stimulated by a heavy fine to which he was condemned for striking Colonel Culpepper in the King’s palace, declares his readiness, in common with thousands, to receive the Prince’s orders on any occasion. Lord Shrewsbury, converted from popery to protestantism, professes all the devotion and zeal of a new convert. The Bishop of London says that he and others pray for the Prince of Orange, not only on account of “his near relation to the crown,” but for “his usefulness to it;”—“for if,” says this prelate, “the King should have any trouble come upon him, which God forbid, we do not know any sure friend he has to rely upon abroad besides yourself.” It seems difficult to take those expressions in any other sense than that of simplicity so gross as to be wholly irreconcilable with the character of Compton; or of hypocrisy to a pitch of grossness and grimace which it would be indecent to suppose even in that bold prevaricator.’—pp. 391—2.

Excepting Churchill and Godolphin, both of whom were unmatched in their vocation, Halifax appears to have been one of the most brazen of revolutionists.—

‘The conduct of Lord Halifax was indescribably base. He went to the Prince of Orange as the commissioner of the King, secretly betrayed his trust, and adding open shame to hidden perfidy, now came back

to the King as a commissioner, or something worse, from the Prince. It is stated that William could not help smiling—he who smiled so rarely—at the willingness with which Lord Halifax consented to play so mean a part. He was nominated, it appears, by the Prince, as “an easy trial” of his new faith, and as an expiation of his refusal to join those who invited the deliverer.—p. 551.

But others of smaller talent were not undistinguished by similar exhibitions of the art of changing masters.—

‘This prince [George of Denmark] affords one of the many proofs of the fact, that the meanest faculties suffice to practice knavery with success. He and the Princess Anne, his wife, entirely governed by Lord and Lady Churchill, were engaged to favour the designs of the Prince of Orange before the expedition left Holland. Fagel, who died during the crisis of the Revolution, declared on his death-bed that the Prince of Orange had obtained the sanction of the Prince and Princess of Denmark before he resolved upon the enterprise. “The Prince,” says the Princess Anne, writing to the Prince of Orange, “went yesterday with the King towards Salisbury, intending to go from thence to you as soon as his friends thought it proper.” Thus it appears that he accompanied the King from London with the intention to desert him, and, though so weak-minded as to require and submit to the tutelage of Lord Churchill, he yet had enough of cunning to live unsuspected at the King’s table up to the last moment of supping with him at Andover. He was accompanied in his flight by the Duke of Ormond, Lord Drumlanrig, Sir George Hewet, and some others of meaner rank, but not of meaner principles. The young Duke of Ormond was one of the noblemen who figured in the Gazette as volunteering their services, and accepting commissions to raise troops against the invader. He was at the same time deep in the intrigues of the Prince of Orange, for corrupting the faith, not only of the army, but the fleet. Lord Drumlanrig, son of the Duke of Queensberry, was also a young man. It is not easy to reconcile with the frankness of youth the treachery with which these noblemen abused up to the last moment, the favour, confidence, and hospitality of the unfortunate king. But the vigour and virtue of the English nation and character had dwindled from the restoration of the Stuarts: a degenerate race succeeded the men of the Commonwealth. The aristocracy seem to have been born without that sense which is supposed to be their peculiar distinction,—the sense of honour.’—pp. 501-2.

Among those who are combining in aid of despotism, there can indeed be no honesty; they are persons content to join in the subversion of all freedom, on the chance that it may turn out to them to have more slaves under them, than they have masters above, and such being their principle of action, no one can depend on their services, if it is possible for him to be outbid. A sad and humbling lesson is taught to human nature,

when it is seen how speedily and effectually the united vice and folly of the governor and of his servants, could subvert all principles of public spirit and of morality, and make a nation, which not thirty years before was moral and well governed at home, and feared abroad, at once an object of detestation and of contempt to Europe. Nor did the effects of 'the Happy Restoration' terminate with the reigns of the two wretched brothers. The poison which they had infused into the vitality of government engendered diseases, of which it is hard to say when it was, or rather *will be* cured. When a strong party at court was offended, and a grand object of aristocratic respect was struck at by the king, a foreign prince was called over without stipulation. By those who were most earnest for the necessity of a change of government, he would have been allowed to reign as untrammelled as his predecessors; and chance and subsequent opposition brought about the few partial pledges with which the nation was content from the individual to whom it had given the crown. It remained for the reign of the new monarch to exhibit the most renowned specimens of treachery that human genius has ever achieved. To govern men who were only fit to be the tools or victims of prerogative, methods of deception and corruption were devised which arbitrary governments do not require, and free governments do not know; but which in this country have become part of the morality of the land, and still vegetate in great measure undecayed.

ART. X.—*Votes and Proceedings of the House of Commons.*—Parliamentary Papers. Session 1834.

ONE of the wits of the day has well said, that the trick put upon John Bull by the Ministry and the Parliament during the present Session, is like that of Tony Lumpkin, who would persuade his mother that she had travelled forty miles from home when the good woman was almost at her own door.

If the first Session of the present Parliament earned the title of the Do-nothing Parliament, the Much-a-do-about-nothing will serve as well for the next.

There has been some chopping and changing of seats among the players, in the hope of making the cards run better; but chance, which is the principle of modern government, still decides the day. One or two have cut out, and one or two have cut in, but the set are the same for all that; they are, according to the declarations of their present leader, to act upon the same principles both in foreign and domestic policy, as the govern-

ment of which Lord Grey was the head. So little change of sentiment had arisen among them by the change of leadership, that they have even thought it becoming to their late noble and high-minded leader, to offer for his acceptance the ceremonial office of Lord Privy Seal. Such is the nature of Whiggism. It is an arrangement of places, of precedence, and the distribution of profit. Could men otherwise, with a decent regard for the honour that is cherished even among worldlings, have offered so foul a bait to the worst imputed foible of the Earl Grey. To the people these things will be useful lessons. There is fortunately for the people, just now, a lack of strength in all political parties; and if the people will press on, this may be turned to good account.

We are a stiffnecked race. Nothing is taught us but by experience, and there is yet too much to be learned. The present Government will go on; there will be shiftings again and again; and each shifting will bring in a little more Radicalism till the new election comes, and then Heaven be with us. Upon the issue of that, will be the future fate of the country. Every true-hearted Radical should be prepared for the event, as if it were to come with the morrow. The second Session differs little from its predecessors, with regard to the mass of ordinary legislation. Energetic individuals have started many improvements; more indeed than the House could digest in the short space of a Session. Many measures of good practical tendency have also been adopted. The works of the Parliament bear the marks of good intention very ill-directed; and this is the grand fault. There is the same want of comprehensive views, and the power of applying them to the minor details of legislation. Neither Ministers nor Members have a right conception of their vocation. The measures of men who account themselves Reformers, and yet would keep all things in that sort of seething action which is called Whiggism, are still propounded in amiable unconsciousness of the existence of the rights of millions of lower mortals. The Radicals too betray the same want of singleness of purpose, and intelligence, and capacity to force along the timid Ministry to better doings. It would be in vain to note in detail all the instances of these things. There is one point which needs special remark. Vast objection has been made to the numerous motions, bills, and other legislative projects started by Radicals and men of all parties for national improvement,—because they impede the operations of the Ministers. In reality, it is an excellent thing, and the very consequence of the conduct of the Ministers themselves. If a man among them would come forward with a scheme sound and

enlarged, comprehending all the needful points of grievance, and showing a masterly handling of the question in all its bearings, there would be no room for the small suggestions that now sting and worry and harass the Government and the House, who are as hurried as men ignorant and blind usually are. There is a vast deal of nonsense and pettiness in the efforts of the working legislators, but there is also a vast deal of good; and but for their burrowing efforts, perseveringly pursued, much of the good that has leavened the lump of aristocratic legislation would never have existed. 'Press on,' therefore,—should be the encouraging cry to all men who think they may do good. At the worst, their projects may be rejected, and become beacons of the true limits of legislation. 'Press on,' till the Ministers discover their fitness to lead, and the House has adapted its internal machinery to the nature of its functions.

It is the great virtue of the House of Commons, that there are 658 sources of suggestion.—658 chances in favour of a grievance being found out, and declared, and remedied. The fault lies now only in the want of arrangements by which all such suggestions may be investigated by men learned in the matters to which they refer; so that the work of legislation might proceed on principle, and in a continuous course of improvement. Subtract the questions on which the public mind is made up; subtract those of plain justice; subtract those that might be swallowed up in good leadership; and how many of the 102 that now stand in the Order-book of the House of Commons, would remain to harass the spirits of its members?

The best sign of improvement in the character and temper of the lower House, is to be found in the readiness with which Committees of Inquiry have been granted; though they are sometimes granted to prevent inconvenient discussions in the House that would do good for the public interests. The new rule seems likely to be adopted at last, that inquiry should precede legislation. The Tories often made it the rule of delay. But there is one class of inquiries which, above all, marks the growing force of the popular will in the House, viz. the cases of oppression, which the Tories systematically opposed. The cases of Mr. Harvey, Mr. Buckingham, Baron de Bode, and others, have been gone into, and with such results as their repeated demands for justice might be supposed to foretell.

There is no doubt that this improvement comes from the weakness of the Ministry. It has, however, led to a very pernicious fallacy, which must be severely felt till the House adopts some plan of internal reform that shall constitute the means of initiating measures without the aid of Ministers. These public

servants, and hitherto chief movers of the House, have latterly adopted the notion, that except when they take a measure to heart, the House should be left to itself. Accordingly the other day, when they were pressed to declare their intentions in regard to providing a new building in place of the very inconvenient House of Commons,—it was answered, that no steps would be taken by the Government, till the House had manifested a desire that a new one should be built. In the mean while, there is nobody to put the matter in a way to produce any such manifestation. A report, with several plans, and some pertinent inquiries as to the requisites that should be regarded in the case, has been printed for the use of the Members. But the complications of such a subject are the least proper to be decided by a numerous body; and they have nobody to help them to a decision, by bringing the matter before them with some view to a definite plan and its immediate execution. Hence nothing will be done. It is the same in other matters, from the inability of individuals to collect materials to present the subject with sufficient fullness and distinctness.

Lord Althorp had, on several occasions, made use of the same fallacy. His Lordship does not perceive the difference between dictation and suggestion. The nation is entitled to expect that the élite of the representatives who are appointed to posts in the administration, should be competent to avail themselves of the opportunity to learn what is fit to be proposed. This is the duty of the executive; and it is a plain omission of duty, if they fail to suggest and to urge whatever ought to be done. This is different from attempting to force the House to support bad or indifferent measures against the express wishes of the House or the people. If the Ministry think that it does not belong to their office to take the initiative in such cases,—at least where their own judgment has told them that the measure is right,—the House must needs do it for itself. But that would be to create Executive Committees;—to pave the way to Republicanism;—which is worse than any other ill that can happen to the body politic. When will this bugbear cease to frighten the people, from attempting all the good the monarchy can give?

But whatever good has been said for the House of Commons on account of an improvement in its tone, or independence in its intercourse with the Members of Government, or the nature of its general efforts, must be taken with a large reserve. The grand vice of the House appears to exist in its full force. The iniquitous selfishness of the landed interest is apparent wherever their benefit is supposed to be in any degree affected. Eager

to throw off every burthen that they bear,—they unconsciously point continually to the necessity of such further alterations in the constitution of the House, as shall make it a fair abstract of the interests of the community.

The people should look to this. It would be folly to quarrel with a man for looking after his own interests, when he has been put by our own hands into the place where he may do so with most advantage;—still more so if we put there the man whom we have already found to take his own course instead of ours, on former occasions, in the same matter. If we cannot check the man's misdoings, why cannot we hit upon the plan of sending one whose interests are the same as our own? Let the electors of towns, at the next election, refuse to elect any man who has a foot of arable land, unless he will pledge himself stoutly to repeal the Corn Laws.

The Corn Laws have been preserved, and the Poor Laws altered in favour of the rich. The General Registry Bill has again been rejected, and the Repeal of the Malt Tax has been struggled for. Let it be repealed, and the people will have a Property Tax. May they thrive in their delinquency, till the most hood-winked can discern the enormity of the gentry of England.

There has been also a keen regard to County Rates, to Agricultural Distress, and Tithes. The country must take care that the landed gentry do not get rid of all their burthens, and contrive to retain the Corn Laws still. They are moving fast to relieve themselves of the set-off, and will succeed if the people do not move in the opposite direction first.

The most splendid and barefaced violation of principle that the Session has afforded, showing a perversion of feeling, an absence of a pervading moral sense of justice in the House, is the different conduct pursued in relation to the State Pensioners and Parish Paupers. The solution of this anomaly in justice is in the sympathies of the rich and the aristocratic with their kindred, and their absence of sympathy with the poorer classes. Had the people's representatives been in Parliament as well as the rich men's representatives, there could not have been so plain a negation of a principle in one case, while in the other it was rigidly, almost harshly, adhered to. Nor can it be denied that the Representatives in Parliament are the Representatives of the rich. Money is their qualification. Money is the qualification of their constituents. Fitness in one or the other, measured by any other rule, is in no shape the criterion. So long as this vice in the required conditions continues, it will taint all the issues of legislation. The partial removal of it has

effected a corresponding improvement, but more is wanted, and must be struggled for.

This matter of equal justice must be looked at comprehensively; and herein is involved the whole question of taxation. Among much good done in a small way, the scheme of reducing taxation has been marked this Session by one huge blunder. The best tax that existed, the House-tax, that which if properly levied bore most resemblance to a Property-tax, has been abolished. The people owe this to their own ignorance, and the pusillanimous yielding of Ministers. Here the Government had its opportunity of pleasing both parties, and therefore, at the cost of its better convictions it yielded; but it will have to recant at no distant day, in the same or nearly the same form. Shortly there must be a Property-tax;—and if the Property-tax be fair, it must be an Income-tax; to cover all that sort of property, which cannot be reached otherwise. The House-tax was the best tax that could be desired for the purpose, if fairly levied; it ranges from one-fourth to one-fifth of a man's income in town, and in the country from a sixth to a seventh. If the tax were levied on the house, assuming it to bear these proportions to the income, the income of the inhabitant would be reached without any inquisitorial measures. At the same time it might be allowed to a party to tender proof, if this representation of his income bore hard upon him. By abandoning the House-tax, Lord Althorp has lost this rule or standard; but he will be driven back to it again, and the very classes whose clamour has prevailed, would rejoice to obtain its revival as a more harmless and less oppressive system of taxing them, than though the agency of more inquisitorial measures.

The Window-tax, the most unfair and obnoxious of all, remains to provoke the same clamour that has scared away the House-tax. Live and learn. The people as well as their rulers must pay for their experience.

A little, but all that was allowed by the limits assigned by the Chancellor of the Exchequer, has been done in lightening taxes upon industry. A Property-tax, like the repeal of the Corn-laws, should be on the tongue of every Radical, as the best method of bringing all to an equal condition as citizens. To give the rich the feeling that they have a stake in the country, let them bear their stake's share of its burthens. Out of a million and a-half of taxes repealed or reduced, only a quarter of a million could be afforded for the removal of burdens on industry; the House-tax having been repealed in obedience to the united voice of the shop-keepers and the aristocracy. But four hundred thousand pounds remained, and of this nearly

10,000*l.* must be given up to the agricultural interest. Forsooth the horse of the farmer must be exempt from tax; why not the horse of the surgeon? It is with him as much an instrument of trade as with the farmer; and there are probably many other cases equally oppressive. Perhaps the country surgeon might obtain its remission next year with the help of the landed interest, on the plea that as low rents and low profits will not permit the farmers to pay, it is for their interest that the surgeon should be exempt. It is but plain, undeniable justice, that as your rents are doubled to the wrong of everybody else, you should also pay no taxes.

The reduction of the four per cents is a financial movement, good if fair. The fund-holders, or rather that class of them whose incomes are invested there, quietly look on, and suffer Government to make havock with their property, without care or thought of the means by which the Government is enabled to take the advantage.

It is very proper conduct on the part of the Government to take advantage of the high price of the funds to pay them off; but it would be very proper to know by what means the high price comes. By excluding foreign corn, and by other restrictions on the employment of capital and industry, the value of particular investments is much enhanced from the mere lack of other channels of investment.

If the high price of the funds arose from a fair value, it would be quite right that the advantage should be taken; but as it is the result of the acts of Government, there is a hardship in the case. This should teach all those who have investments in the funds, to look after their interests. If they wish not to be deprived of the fair value of their money, they should make common cause with the other capitalists and the owners of industry, in order to compel the Government to take all necessary steps to remove the restrictions which exist.

But in this sensitive branch of affairs, the people are beginning to feel the beautiful arrangements of Whiggism. Among the omissions of the Government are to be recounted the measures to regulate Joint-Stock Banks and country banking, which formed a part of the scheme of arrangements last year, when the Bank Charter was renewed. Nothing has been done or attempted (except in the struggle with the Westminster Bank), and there the matter rests. In the meanwhile progress is making towards another Bank Restriction Act, if the Ministers dare; though if events of their own kindling compel the step, how will such weaklings stem their progress? It is but a little while since the partial restriction created last year has come into

play, and gold is at a premium, and the Bank has it in its power to mar or make the fortunes of thousands, as the caprice or ignorance of the Directors may chance to suggest. Surely for a free country, here are more pit-falls than even despotism could invent. Some ten or twelve men self-elected, or elected by a small close body who may chance to be the owners of Bank-Stock, may plunge the whole country into a panic, divert, check, and even for a time dry up the channels of industry. If there needed any other test of Whiggism than men have in their works, here is a rich and convincing one. It is made a complaint against Radicals that they are throwers down, and not builders up. Are these men better? With a small capital of sagacity, they pull down, and miscalculate their means of restoration. If they do succeed, it is after the vulgar method retorted upon them by an enemy. It is the exorbitant youth's purchase of a present gratification, by a large mortgage upon expectancy.

One grand æra of the present Session has been the discussion of the Repeal Question. The fear of the recurrence of this debate, will have a wholesome influence on English Legislation. There was a good deal of talking beside the mark, and indeed the whole matter in dispute was made to rest on a false position. The state of Ireland now, and its state before the Union, were compared, and the improvements in its later condition ascribed to the Union. If the condition of England and Scotland at the same periods had been brought into the comparison, it might have been found that all the good which the other parts of the country had obtained would greatly exceed the blessings which Ireland had acquired in the same period. But in truth the goodness of the Government either here or in Ireland, has had little share in producing the present state of advancement in either country. At another time, the bearings of the question will probably be more apparent; but the advocates for Repeal would do wisely to look at the question in a different form. Call for a Committee to inquire into the things asked for by the people, and recommended by former Committees; and compare them with the things done. Draw up a complete chronological account of all the Acts of the Legislature in reference to Ireland since the Union,—distinguishing the acts of coercion, the acts of jobbing, the acts of beneficent legislation,—and what will be the issue?

They argued also from the Acts of former Irish Parliaments, what would now be the Acts of an Irish Parliament. As well might it be argued that the Acts of the Reformed Parliament would be like those of the former English Parliaments. It is to

be presumed that if the Irish had now their separate Parliament, it would be as good as that of Great Britain; and in the true spirit of representation, would express the will of the people. If that were so, the grievances that now exist must infallibly be put an end to; and as the body would have no other cares besides those of the Irish people, time and diligence would help them quickly towards the end of their labours. So far from its seeming to be so very absurd and dangerous a project, there is every probability, under the influence of a more freely expressed public opinion, that a Parliament in Dublin would prove of great national advantage. If however there be reason to believe that all the awful results that are apprehended would come from re-creating the Irish Parliament, it seems highly desirable that a sort of Parliamentary Commission should be appointed to redress Irish grievances. A body of this sort, whose labours should be confined to this object, and working from end to end of the year, might in a few years make considerable way towards mitigating the distressed condition of that country. One hundred English and Scotch Members chosen indifferently from the Members of the House of Commons, with the one hundred Irish Members now chosen by that people, might compose this body. This body meeting the Secretary for Ireland in Dublin during the recess of the English Parliament, might at all events prepare and discuss measures intended for the peculiar benefit of the Irish people; and if it were not thought wise to allow them the force of law upon the decision of that body, they might be reviewed in Parliament. In most cases there would be little to discuss, and all the slovenly labours of Committees of Inquiry on Irish subjects would naturally be referred to such Commission. Without some such arrangement, the cry for Repeal will remain from necessity a just cry on the part of the Irish people. It may be true that the English Parliament has not been able to hasten matters, on account of its cares for other parts of the Realm; which precisely forms the Irishman's reason for asking for a legislature that can;—and the matter must be viewed on this business footing, not under the impulse of a mere bugbear fear of separation, but with the full conviction that there must be separation one way or other if something be not done, or at all events Ireland must be for ever importuning the justice of this country to the postponement of the country's affairs in other directions.

Mr. Bisle made a motion that the Parliament should meet once in three years in Dublin; and though the proposition was strange, and mixed up by the mover with odd views of his own, it does not appear to be unreasonable. An occasional observa-

tion of the people there,—a more intimate acquaintance with their peculiarities,—even a knowledge of the mere physical aspect of things,—would have a good effect on the minds of the legislators. Some among them would have such a reasonable horror of Irish terrors, riots, fevers, and burnings, that they would discern more clearly the need of Reforms which do not now touch their fancies.

The evidence of the necessity for some plan, is found in the little the Ministers have been able to do, though they had the strongest motive to urge them. Last Session they promised conciliatory measures as well as the Coercion Bill. What did they do? This Session what again has been done? It is true that they have started with wrong principles, or have been reluctant to act upon any, and therefore have met with successful resistance; but how much of Irish legislation exclusively will the English, the Scotch, the Colonial legislation permit to be done, and yet how much must be done for Ireland to bring it to a level with the sister countries of England and Scotland. But the grand cause of backwardness in Irish Reform is the state of its Government. The Union is not complete while a Lord Lieutenant and mock Court remain at Dublin, and all matters are to be funnelled through the wisdom of a Lord Lieutenant, an Irish Lord Chancellor, and a Council of pet Tories. This is not Union. When the difficulties and delays of a passage from Ireland were greater than by the aid of steam they now are, there might be some pretence for keeping up a sham Government in that part of the country; but it is now every whit as near as Scotland, and may be governed with the same ease. Already the duties of the Post-Office and of the Departments of the Revenue Boards have been transferred to England, and the sooner the Lord Lieutenant follows the better. The Lord Chancellor may then remain in Ireland, and the Home Secretary be charged with its Government. If it be alleged that the Law Department of that branch of the Government will render the task too great for a single Minister; then place the Law and Justice of the whole kingdom under separate hands. The absurd intrigues that have gone forward lately in relation to the Irish Coercion Bill, evidence the necessity of a change of the sort. If the Irish should deprecate the loss of income that would follow from the reduction of the Office, then give it to them in a more wholesome form; let it be expended on the improvement of the City of Dublin and its environs. But do not afflict the entire country with the mischiefs of ill government for an object so paltry. Furthermore, let every law for Ireland be made to correspond with the English law;

or at all events let the exception in its behalf be bounded by the exigency. There would be a tendency to this end, if the administration of Irish affairs were placed in the hands of the same functionary. The completeness and comprehensiveness that would result from such an arrangement would mitigate, and indeed far out-balance the effects of the increased amount of business. But it is difficult to discover what the Secretary of the Home Department has to do. He superintends the Police; he superintends the administration of the Law; he regulates the Scotch and some of the English Patronage; he has the control of all Sheriffs and other Provincial Functionaries; his chief care is and ought to be with the preservation of the Peace of the Empire. If Ireland for this purpose were added to his office, and the other matters given to the other officers having special care of similar objects, the benefit in all ways would be great.

This subject is of permanent importance, for until Ireland be put on the same footing as England, she will continually draw the latter country down; and the best rule would be never to pass a law for one country, to which the other should not in like degree be subject.

One of the phenomena of the present Session, is the Report of the Committee on Drunkenness. It is a sad beating about the bush, but will do good. The medley of truths and absurdities will raise discussion, and help to the instruction which it recommends. But there is a first cause which the Committee have not dared to see, viz.—the effect of the Laws in producing drunkenness. Englishmen are prohibited by law from drinking the cheap and wholesome wine which is within sight of their coasts, and made to drink a detestable ardent spirit to keep the landlords daughters in finery. The document talks of the loss of the produce of the soil arising from its application to deleterious instead of nutritious purposes. Hereupon the landed men will exclaim, put down spirits, and there will be Corn enough for the subsistence of the population. This is not, however, the main point. The people have a right to both the bread and wine; and it will not be long before they walk over the landlords, or else communicate freely in both kinds. Next Session the question will be better understood; and, in the mean time, the Press may give much help towards putting it on the right footing.

When the recollections of the past Session are somewhat fainter in the public mind, some friend of the ministers, acting as their mouth-piece, will make much ado of what they have done. They have not understandings to perceive, that much may sometimes be done to little advantage; a hustler in small

matters appears to be always doing a great deal, yet the sum of his performance is less than the constant pattering would seem to indicate. The present ministers are workers by the piece, and of course desire nothing so much as to lengthen it out, that their reward may be proportionate. They will not comprehend, that if they lay hold of the principle,—or, to use the pugilistic phrase, get their subject into chancery,—the whole matter is done. For instance, during the last year and the present, there has been much talk as to the patronage of the Church of Scotland; and the same question must arise ere long in England. If the question of separation of Church and State be carried, both questions are settled; for everybody knows that the chief link that exists between the State and Church is the patronage, which Chancellors, Premiers, and Bishops are loath to relinquish. And so in other matters; they discern not the principle, and are in consequence for ever floundering in details; and though they bring in at the end of the term a long bill, it is made out after the fashion of the inn-keeper, or the lawyer; it is a list of every small thing charged separately, and at the utmost price.

Among the omissions, are the Reforms of the Representation. Where are the effects of the promises of last Session? The Commons did, what the Lords threw out; but what the Commons did, was not deserving of a people's gratefulness. The Bribery Bill was an evasion; and the Disfranchisement Bills worse; the principle of disfranchisement, in such cases, shows an utter ignorance of the basis of representation. Because a certain number of men in 1832 were bribed and bartered their suffrage to the public wrong, all men of the same locality must be deprived of their right of self-government;—because their ancestors were not guiltless, or chanced to live where the greater number were rogues, all after comers are fore-doomed.

Notwithstanding all the slowness to do right, the Whigs and Tories allege that the Radicals advance in their demands with each concession. Assuredly they do. What were they made for? They will not leave one stone of corruption upon another. They are just at the point, where it is all the same to them, whether the government chuses to remove abuses, or to increase the pressure against them by refusing. If their mouth-pieces or leaders should become corrupt, or indolent, or time-serving, and lag or fall back, their places would be filled by others, who would be chosen by the million that press behind. The million cannot be bought, or swallowed up, or turned from their aim.

The Whigs indeed are illustrious examples of the principle which is for ever operating in sublunary matters. The force of

circumstances moulds to its own form the weak and feeble beings who are placed in the midst of them; and these again are changed with the varying form of the events that surround them. Better than the Tories are the Whigs; but these last are not sound, and must be succeeded by Radicals of many grades of intelligence, each improving on that which went before it.

Through the bugbear of republican institutions and government, the nation is deprived of the advantages of well-ordered subordinate arrangements. The fear of republics swallows up all good that resembles the fruits of republicanism. Thus the cost of a monarchy and the negation of good government, are borne at one and the same time, as if republicanism were all evil and monarchies all good. Men do not perceive that there is a spirit cast over the transactions of life, that depends not on the mere form or mode of doing them, but on the nature of man; and that the virtues of monarchies, and the evils of republics, have generally arisen from causes foreign to their mere forms. All governments are in different degrees democracies; they are acted upon by the will of the people. The greatest despot must regard it in some degree, as well as the constitutional monarch or the head of a republic. Its influence has been confined through ignorance, through the treason of some who conspired to share the profits of the general spoil, or by the combination of tyrants to control each other's subjects. Still the will of the people has always been virtually regarded. It is the vital principle of all governments; accordingly as that will gains strength by intelligence, and by the power of combination through the freedom of the press, it must prevail; and while men are talking of constitutional governments, and railing against republics, the spirit of the latter is rising on the surface of the waters, in giant form and greatness of power. What is then the position of those in power? What the policy of the Monarchists? Can the new force be resisted? Can the new imaginations of men be bribed or diverted, by the prospect of advantages from the monarchical, that shall cope in magnitude with such as the republican principle offers? Which bids fairest for good government? Which is most compatible with it? And with whom rests the proof? The monarchists, the aristocrats, have, in their own power the proof. It is a question of fact, to be shown by their acts.* Let them speed on, throwing golden apples by the way, and they may outrun republican hopes. Is it possible that they can change the bias of their natures, and so act? Will they, as provident fathers who discern the ripening will of energetic children, control by indulging the

yearnings of their nature, or compel rebellion by ill-timed resistance. There is no intelligent lover of republicanism who cares for it except as the best pledge for good government. Show him that the doings of monarchy correspond in beneficence with all that the people would have if the power were in their own hands, and he will give his vote and support to that which is. The mass of the people have at this moment no direct leading towards republicanism; but there is a teaching which would alter their views, and perhaps prompt a rash attempt at change without preparation. That teaching, is the obstinate resistance of the monarchy and the aristocracy to plain business-like improvements. To the republican, the House of Lords is the best ally. The follies of that body, give him his most convincing example. He needs but point his finger and exclaim, See the blessings that you covet.

As it is, the field is strewed with the spoils of small triumphs, which are useless, or worse, as they impede the conflict. What is now wanted, is an active warrior on the people's behalf, who will eschew small matters and petty intrigue, and rally the popular force to struggle for whole principles. Is there such a man,—one who being the people's friend might also be the monarch's friend,—not by backstair influence and a double face, but by standing boldly in the front of the people, and advocating good government as the best safeguard both to monarch and people.

A volume would not contain an account of the delinquencies of the Lords, the trippings and omissions of the Ministers, the small sundries of Radical and independent operations, the selfish manifestations of the landed interest, and the talkings, absences, and abandonments of duty of men of all parties. Nor is it necessary. The Session though one of little positive good, is rich in prophecy of the breaking down of the powers of evil by their own clashings. The bravado thrust of the Ministers through the mouth of their Monarch at the commencement of the Session, against the leader of the Irish, has terminated in a thankful acceptance of his patronage, after having been thoroughly worsted by his superior tact and prowess.

Altogether the position of affairs is much like the fine day that follows a stormy night. Men begin to see a chance of fair weather, with opportunity of mending what the pitiless elements have mangled, and making precautions against the next coming foul weather which were neglected in a former instance. There is a disposition to hope against all recollections; all the past misdoing of these men, does not quench the brighter feelings, though the only change that has taken place, is that of

a corporal becoming a serjeant, and one or two other slight movements in the troop. There is a strong persuasion that they cannot do much harm, protected as they are by a power and vigilance in the people, superior to anything that has hitherto kept them within certain limits of good behaviour.

ART. XI.—*The New British Province of Australia; or a Description of the Country, illustrated by Charts and Views; with an Account of the Principles, Objects, Plan, and Prospects of the Colony.*—Printed for C. Knight, 22, Ludgate Hill, London. 1834. 12mo.

2. *An Historical and Statistical Account of New South Wales, both as a Penal Settlement, and as a British Colony.* By John Dunmore Lang, D.D., Senior Member of the Scots Church, and Principal of the Australian College, Sydney, New South Wales.—2 vols. royal 12mo. London; Cochrane and M'Crone. 1834.
3. *Hints relating to Emigrants and Emigration; embracing Observations and Facts intended to display the real advantages of New South Wales.* By the Rev. Henry Carmichael, A.M., Professor of Natural Philosophy, &c., Australian College, Sydney.—London; D. Walther. 1831.

HERE is the day-dream of an ingenious man, whoever he may be. At least thirty compurgators in the shape of Members of Parliament, country gentlemen, political economists, London merchants, and London bankers, are ready to swear to its verity, and an Act of the Reformed Parliament is to sanction the new Utopia. The project, when it was first broached in 1831, had the form of a Joint-Stock Company who were to have received from the Crown a grant of some millions of acres in Southern Australia, to be sold for their own benefit and that of their country, the Association taking upon itself the entire charge of establishing and maintaining the Colony and in due course being vested with the patronage of its Government. This scheme is now dropped for one of more apparent moderation, which is described by the projectors as follows.—

‘All that part of Australia which lies between the 132nd and the 141st degrees of East longitude, and between the Southern Ocean and the Tropic of Capricorn, together with the islands adjacent thereto, is erected into a British Province, by the name of South Australia, and declared, with respect to government, independent of every other Colony.’

‘All the lands within the above limits are declared to be Public Lands, and are placed under the management of a Board of Commissioners sitting in London.’

‘There is but one way in which every individual may obtain a pri-

vate property in any of the said lands ; namely, by paying for the same in ready money.'

'Subject to the above condition, and to the necessity of previous surveys, every one shall be free to acquire a private property in the said lands, and without limit as to quantity or situation.'

'The lowest price at which public land shall ever be sold in this Colony, is Twelve Shillings per acre.'

'Subject to the above provision, Commissioners are authorised to raise or lower the price of public land, always giving public notice of any intended change in the price, and of the period during which the higher or lower price is to be required.'

'All sales to be conducted in public.'

'The foregoing provisions declared to be fundamental articles of the Constitution of South Australia, and not to be changed without the authority of Parliament.'

'That the whole of the money obtained by the sale of public land shall form an Emigration Fund, and shall be employed by the Commissioners in conveying poor labourers to the colony.'

'All the poor persons taken to the colony by means of the Emigration Fund, shall be, as far as it is possible to make the selection, young adult persons, of both sexes in an equal proportion.'

'The Commission of Public Lands and Emigration is empowered to anticipate the sales of land, by receiving purchase-money on account from emigrants intending to buy land, and, if necessary, by raising a loan or loans, to be secured on the whole Public land of the Colony ; and to employ such loan or loans in conveying selected labourers to the Colony.'—*New British Province &c.* pp. 102—111.

Such is the outline of the plan which is filled up in various parts of the work. To the first four conditions on which the Colony is proposed to be founded, no serious objection can be urged ; unless perhaps to the First, which describes its extent. This amounts to some nine degrees of longitude and thirteen of latitude ; or in other terms and in round numbers, to above 420,000 square miles, or 270 millions of acres. This, as indeed is boasted of by the framers of the scheme, exceeds the superficies of all France, Germany, and Spain put together ; and, it may safely be assumed, is a charge somewhat large for the direction and appropriation of the commissioners of a few private, and as far as Colonies are concerned, inexperienced individuals ; for it must be observed that of the thirty Directors, not one has ever had either official, personal, or in any other shape practical experience of actual colonization.

The Fourth, Ninth, and Eleventh conditions for the establishment of the New Colony embrace, correctly speaking, all that is now, or at least is professed to be now, in 'the principle, on which it is to be founded.' The first of these promises, that no

public land shall ever be sold for less than 12s. per acre, which is considerably more than double the price at which the Government of the American Union sells its best land (one dollar and a quarter),—about three times as much as it charges for its refuse land, 75 cents of a dollar,—and 140 per cent more than the British Government sells its land for in the long established colonies of New South Wales and Van Diemen's Land, five shillings. The Fourth condition provides that the whole proceeds of the sales of public land shall be employed in conveying poor labourers to the Colony. The Eleventh gives powers to the Commissioners to anticipate the sales of land by securing purchase-money from intended emigrants, and, if necessary, to raise a loan or loans to convey 'selected labourers' to the new Colony.

The objects aimed at by this high charge for the land, are to concentrate the settlers, and prevent them from scattering far and wide; to make labour cheap and abundant; to produce co-operation among the colonists; to divide the settlers at once into two classes, capitalists and labourers; to prevent the land from being monopolized or otherwise misappropriated; to introduce at once improved and refined processes of husbandry; and in short to make a new country as like as possible to an old one. The 12s. per acre, however extravagantly high it may seem to most people, will not satisfy the projectors; they have misgivings of its adequacy to produce the necessary degree of concentration; and therefore it is only the *minimum* price to be exacted, while the Commissioners are vested with powers to raise the charge to any amount that shall insure the desired packing of the new society. The author of 'The New British Province of Australia' thus expresses himself.—

'It may be doubtful whether the price inserted in the Act of Parliament, that is, the price of twelve shillings per acre, *below which land is never to be sold*, would prove sufficient for the object in view; whether it would so limit the quantity of private land as to hinder the settlers from immediately becoming, all of them, owners of land, and cutting up their capital and labour into small and unproductive fractions. But, on the other hand, the Public Lands' Board will be able to fix periods during which the price of land shall be higher than twelve shillings per acre; and we may conclude that they will use their power in a manner to save the colony from becoming a second Swan River.'—*Id.* p. 104.

The new hypothesis has as usual produced the necessity of inventing a new language, and the initiated have frequent recourse to such phrases as the following;—'In order to promote the greatest prosperity of all classes, land, labour, and capital, ought to be combined in proper proportions;—'cutting up

capital and labour into small and unproductive portions ; '—the evils of superabundance of land ;'—'arrangements for preserving constancy and combination of labour ;'—'the productiveness of industry arising from a due proportion amongst the elements of wealth ;'—'establishing the desires and powers of society.' To the moderately considerate and acute, such expressions will appear little better than so many incarnations of exploded fallacies and antiquated wrongs.

The following curious illustration is given of the principle on which it is proposed to found the new Colony, and of the errors committed in the establishment of all preceding ones.—

'Sir Joseph Banks, wishing to ornament a bare piece of ground in front of his house near Hounslow, transplanted into it some full-grown trees. Those trees were torn from the beds in which they had grown to maturity. In order to save trouble in moving them, all their smaller roots and branches were cut off: the trunks, thus mutilated, were stuck into the ground ; and there, wanting the nourishment which they had before received through innumerable leaves and fibres, they soon died and rotted. A way, however, has lately been discovered of transplanting full-grown trees so that they shall flourish as if they had not been removed. The art, for a knowledge of which we are indebted to Sir Henry Stuart, consists in removing *the whole of the tree uninjured* ; the stem, all the limbs, every branch and twig, every root and fibre ; and in placing the several parts of this whole in the *same relative situation as they occupied before* ; so that each part shall continue to perform its proper office, the trunk to be nourished by its proper number of mouths above and below ; and a due proportion or balance be preserved between the weight of the branches and the strength of the roots, between the action of the roots as well as branches on opposite sides, between the functions of each part and the functions of all the other parts, respectively and together. The work of colonizing a desert bears a curious resemblance to that of transplanting full-grown trees. In neither case is it the ultimate object merely to remove ; in both cases it is to establish ; and as, in the former case, the immediate object is to remove, not a mere trunk, but an entire tree, so, in the latter case, the immediate object is to remove, not people merely, but society. In both cases equally, success depends upon attention to details. The planters of colonies have generally gone to work without much attention to details ; as if society might be established in a desert without regard to the numerous and minute circumstances on which society depends. Many a modern colony has perished through the inattention of its founders to little matters which, it was supposed, would take care of themselves. Of those modern colonies which have not perished, many suffered in the beginning the greatest privations and hardships ; while, in the least unfavourable cases, it has been as if a full-grown oak, carelessly removed and soon dead, had dropped acorns to become in time full-grown trees. But in the present case, the greatest atten-

tion will be paid to details. The present measure of colonization may be likened to the careful removal of full-grown trees from a spot in which they were injured by want of room, to one where they should have ample space to expand and flourish. The details of the measure form the subject of this explanation.'—*Id.* p. 4.

The illustration is not felicitous. The transplanting of a full-grown tree, with fibres and branches, is an expensive, tedious, precarious, and unprofitable operation. It may answer for the purposes of luxury, but never of economy; and the old practice of sowing seeds or planting saplings, and waiting till time and care have brought them to maturity, will, it may be suspected, after all be found a more appropriate illustration for the prudent transplanting of the human race. The object of the writer, however, is to show that colonization ought to be effected in great masses; that a whole society consisting of capitalists, professional men, artizans, and labourers, in the proportions in which they exist in a small, regulated, civilized, and old country, should, at once, be planted in a raw and uncivilized one. Let it be supposed then, this project embraces the simultaneous colonization of some 5,000 persons of the different classes of society, and that South Australia is the land of their destination. What advantages does the new project hold out to them? The great cause of the rapid prosperity of all newly settled colonies, is *the abundance of fertile land*,—the absence of rent and heavy taxation,—the facility with which vigorous individuals, at the expense it is true of much corporal exertion and frequent suffering, can carve a livelihood with their good *axes* from the rough material of nature. The industry of colonies under these propitious circumstances becomes highly productive; capital is rapidly amassed; there is a great demand for labour, and when there is a demand for this as for any other commodity it will soon be produced in any well-ordered society. All classes prosper, though with effort and some risk; population and wealth increase with a rapidity impossible in old societies. Now it is the professed object of the new project to throw obstacles in the way of this natural cause of prosperity, by demanding a high price for the land. If it be argued that the price to be exacted for the land would not be such as to prevent high profits and high wages, then it may be answered that it will produce no adequate concentration. It will then be the same thing as demanding a rent for the land or enforcing a tax upon the colonist, and doing so at the moment when he is least able to pay, and in a manner the most oppressive and unfavourable to his future prospects.

The authors of the project think themselves called upon to

regulate by arbitrary interference the proportions of capital, labour, and land. Whereas it has been in all well-ordered societies a maxim of political wisdom, to let the two first at least, regulate themselves, and all meddling with them has been deemed vicious and absurd. Now, however, it is alleged, that in all new colonies there is invariably a deficiency of labour in proportion to capital. This is a groundless invention of the projectors. In new colonies capital increases rapidly, and there is an eager demand for labour, and the authentic experience of at least two centuries has never failed to exhibit a proportionate supply. If this had not been the case, we should not at the present moment have seen the American continent peopled with some twenty millions of capitalists and labourers, the descendants of Europeans, and this in proportions more nicely adjusted than if the projectors of Australian Colonies had had the regulation of 'the land, labour, and capital' of the new world for the last three hundred and forty years. But the truth is that any positive interference with the market for labour, or arbitrary meddling with the proportions between capital and labour even on the smallest scale, inevitably produces unpleasant and mischievous consequences. Within the last few years some of the English parishes sent their paupers to Canada; and although they had 4*l.* in their pockets at landing, and the wages of common day-labour in that country are 3*s.* 6*d.*, they were seen for months wandering in the streets of Quebec and Montreal without employment. The fate of the men and women sent to Australia under the auspices of the government or the Emigration Society, it is well known, was still worse. But there is still a stronger example of the effects of superabundant labour, given by Dr. Lang in his recent instructive account of New South Wales. It is as follows, in his own words.

'But, notwithstanding the great number of convicts that were employed at these expensive government establishments towards the close of Governor Macquarie's administration, convict labour was so complete a drug in the colony, on the arrival of Sir Thomas Brisbane, and the colonial executive was so utterly unable to find suitable employment for the daily increasing number on their hands, that any respectable person who pledged himself to the Government to employ and to maintain twenty convict servants, could immediately, and without any other recommendation whatever, obtain a grant of two thousand acres of land, or one hundred acres for each convict servant. My father, Mr. W. Lang, arrived in the colony as a free settler in the month of January, 1824, having an order for a grant of land from the Right Honourable Earl Bathurst. On presenting the order at the Colonial Secretary's Office, he incantly pledged himself to employ twenty convict servants, and accordingly obtained a grant of two

thousand acres; but in the year 1822, my younger brother, who had no order from the Home Government, but merely offered to maintain ten servants on applying for a grant of land, obtained a grant of one thousand acres; while other young men of the same standing and in the same employment, but a little more politic, by merely pledging themselves to maintain double the number of convicts, obtained double the quantity of land.—p. 155.

Now this is exactly such a case as the Parliamentary Commissioners, in their anxiety to furnish the new Colony with a plentiful supply of labour, would be likely to produce. The rate of wages in the Colony would be depressed; emigrant labourers would be discouraged from resorting to it; and a portion of the labouring population would in all likelihood become a burthen on the community as paupers. If such then be the effects of meddling with the labour market of the Colonies in so trifling and partial a degree, how much more pernicious must the attempt be, when the meddling is to be systematic, constant, and permanent, and when the meddlers are ignorant of the country, and fifteen thousand miles away.

But after all, what earthly ground is there for imagining that the desire or necessity of emigration exists in this country in a greater degree among capitalists than among labourers? What ground is there for imagining that capitalists are more disposed to trust their money, than labourers their persons, at the antipodes? With the exception of the titled and landed aristocracy, who live by the taxes and their exclusive privileges,—all classes of the community are equally 'uneasy' in this country, and, in due proportions, equally well disposed by emigration or other means to relieve themselves from the pressure of their circumstances. Any one, indeed, who has had personal opportunities of observing the character of the numerous emigrations which within the last three or four years have taken place from the various parts of the British Islands, must be prepared to admit the truth of this. They have consisted of industrious rural labourers, well-doing artisans, spirited small farmers escaping with the wreck of their fortunes, a few proprietors of land and other persons with narrow incomes and numerous families, whom they can neither educate nor provide for at home. These are exactly the best and most suitable classes of emigrants. It is their spirit, enterprize, and desire to better their condition, that prompts them to emigration; and they are a better 'selection' than all the skill and theory of a Board of Parliamentary Commissioners will ever succeed in making.

But, saving the naked and sanguine promises of the authors of the scheme, what peculiar advantages does South Australian

emigration hold out either to capitalist or labourer? None whatever; on the contrary, both the one and the other is placed at peculiar disadvantage, after paying rent for years to his landlord out of his capital. The new scheme proposes to draw an artificial, broad, and organized distinction between labourers and capitalists, after the model,—for the example, is repeatedly referred to,—*which exists in slave colonies*. Nothing could be more pernicious, were it practicable. To prevent the land from being cut up into small fractions,—that is, from being cultivated in small estates,—and to produce the necessity of cultivating it in great masses,—that is, in great estates,—obstacles are avowedly thrown in the way of the small capitalist, in order to keep and hold him in the condition of a labourer, in order that labour may be abundant. What is this after all, but slavery or villeinage? It is strange that the projectors when torturing their ingenuity to bring about such a state of things, did not at once adopt a law of primogeniture, a law of entail, and the other effectual appliances for such a purpose, of the feudal system. One of the main incitements to emigration in every country, is the hope of becoming an independent proprietor. The honest and industrious labourer who toils hopelessly in this country for 10 or 12s. a week, calculates that where he will receive 30 or 40s. and pay but 4d. for his quartern loaf, he shall become by diligence and frugality in no long time the independent lord of forty or fifty acres. The half-ruined farmer expects to become at once the owner of an estate as large as the farm which he rented in England; and the capitalist of 4,000*l.* or 5,000*l.*, vegetating with his large family upon 160*l.* or 200*l.* a-year, reckons upon possessing and stocking an estate of acres equal to the number of his pounds, living in easy circumstances, and providing for his family however numerous. Men go to Colonies to better themselves. Here is a Colony by Act of Parliament, where nobody shall better themselves. Let an example or two be taken. A small farmer saves from the wreck of his property, say 500*l.*, and determines to emigrate to the new Colony, and then to become a proprietor. Supposing him without the encumbrance of a family, he will pay for his passage 50*l.*, being the lowest charge yet exacted for a cabin passage from Liverpool. He takes 200 acres of land, which at the minimum price of 12s. per acre, will be 120*l.* His fund has now diminished to 330*l.* The clearing and cropping for one-year, of no more than twenty-five acres, allowing this to be effected as cheaply as it is now done in New South Wales, will cost 125*l.*, leaving a balance of 205*l.* only. A framed cottage such as is used in similar circumstances in New South Wales, will cost, if as cheap as in the latter

country, 100*l.*; and then there will remain of the original 500*l.*, only 105*l.* Let it be supposed that the remaining 175 acres, after twenty-five have been brought into culture, are at once fit for pasture; then these will require for stock, at the present New South Wales prices, where ewes cost but 15*s.* each and cows 30*s.*, about 55*l.*; so that there will remain for the maintenance of the farmer, and for furnishing his house, only 50*l.* The adventurer, however, cannot expect to get his stock at any such rate: Its cost at the first formation of the new Colony, and long after, will be at least four times as great, or 220*l.*; so that he will have only 10*l.* to live upon in a country where every necessary of life must be imported from a distance of 700 or 1200 miles. In fact he will be beggared the very first year. The case of the capitalist will not be better, if he brings 1,000*l.* into the Colony, and purchases, as such a capitalist must do to carry on the operations of husbandry in a manner suitable to the character of the country, a thousand acres of land. The first purchase of an estate of such extent, would at the minimum price of 12*s.* per acre, be no less than 600*l.* Now the purchase of such an estate in New South Wales would be only 250*l.*; and its stocking, including the clearing and cropping of ten acres of land, only 345*l.*; which with 100*l.* for a house, would make in all but 695*l.*, leaving a balance of 305*l.* for subsistence, wages, and further improvements*. In the new Colony the stock would cost at least four times as much, or 1380*l.*; which would leave the adventurer, after the addition of the cost of a house, minus 1080*l.* Let it be imagined, however, that by a miracle not very likely to be wrought in his favour, he gets his stock at exactly the same as the New South Wales cost; still, including 100*l.* as before, he will sit down with not a farthing for subsistence, or wages, or improvements, but 45*l.* in debt.

Such is undoubtedly not the most rapid way of increasing the capital of a country, and encouraging the resort of labourers. The fund which ought to be employed in improvements and in the payment of wages, is in fact anticipated in the shape of a tax to the State,—of a tax levied as noted before, when the contributor is in a state of distress and difficulty. It may safely then be concluded, that no person of ordinary forecast will repair to the new Colony, who can go to New South Wales, to Van Diemen's Land, to Canada, or to the United States; that he will not in short travel over half the globe in quest of heavy taxation, when at less than half the expense, and in less than one fourth of the distance, he has the power to chuse his place

* Lang's New South Wales, vol. ii. p. 199.

of settlement. But what does '*abundant labour*' mean with the schemers? Why if it have any meaning at all, it means cheap labour; that is, labour depreciated by its being disproportioned to capital. If this be so, and it cannot be otherwise, the condition of the labourer is necessarily to be worse than in the neighbouring colonies; he is neither to have the same means nor inducement to improve his situation; and of course, he will take the first opportunity of withdrawing to places where labour is better rewarded, that is, to Sydney or Van Diemen's Land, for in the same country there cannot be two different rates of wages. In this manner the tax imposed to produce '*concentration*,'—the emigration fund which was to have compensated the capitalist for the heavy price exacted of him for the land,—will be wasted from year to year to no purpose; the withdrawal of labourers from an over-stocked labour market, continually keeping up the wages of labour to their natural level. *It is a botchery worthy of a Bench of Justices.*

Now with respect to regulating or adjusting the proportion of land to labour and capital. The land of an almost boundless colony, like the territory of Southern Australia, it is almost needless to say, is of no more value as property, than the waters of the Pacific that wash its shores. It acquires value only from the capital that is invested in its improvement; and as capital and population advance, the value rises; and always in due proportion to their amount, the operation spreading from one or more points, and the country round them gradually assuming the characteristics of an old and densely peopled one, in which rents are high, profits low, and labour ill rewarded. Draw a circle about one of these points, and tinge the area with colour diminishing in intensity from the centre to the circumference where it is next to nothing, and (supposing localities, as rivers, &c., not to exist to give improvement a different course) something like a visual representation will be made of the progress of society. In the fair and just appropriation of the land of a new country by the ruling authority to the bidders for it, there is undoubtedly some difficulty, but surely no insuperable one. The British government had been heretofore in the habit of disposing of colonial lands, pretty much after the fashion in which the Vandals and other barbarians disposed of their conquered territories. They gave them away in huge masses to influential aristocrats, to favourites, and to the Church, who like dogs in the manger would neither make the right use of them themselves, nor let the laborious do so. But there is no reason why we should imitate the old oligarchy of England or the old despotisms of France or Spain; still less, in order

to avoid their criminal errors, should run into another extreme yet more vicious. The charge of 12s. per acre would be extravagant in any British colony whatever, even where roads and bridges have been formed, where wealth and population have made considerable progress, where markets exist, and where the land is of the highest fertility; but such a charge in a country of unknown fertility, of doubtful anticipations, on the improvement of which not a farthing of capital has yet been laid out, and indeed which the foot of man has scarcely trodden, is purely absurd. Under a popular government, amenable to public opinion, there are many means of preventing the mis-appropriation of land; but probably the practice followed by the United States, and now imperfectly imitated by ourselves, is upon the whole the most eligible. The government of the Union disposes of the best of the public lands, at a price which at the ordinary rates of exchange with this country may be reckoned at 5s. per acre, and its inferior lands at 4s. Notwithstanding, however, the great demand for new land in America, necessarily produced by its rapid advancement, these prices are considered even then too high, and it is understood to be at present in contemplation to reduce them.

According to the scheme of the new Colony, the settlers are to be compensated for the heavy price exacted in the first place for the land, by the faithful application of the proceeds to the sole purpose of conveying 'selected labourers' from England. On the rigid principles of the projected Colony, it may safely be considered an impossible event that any colony should ever be planted; but for argument's sake let it be imagined, that the 5,000 settlers to whom allusion has before been made, and in the due proportion of sexes and employments, are actually landed at Port Lincoln or on Kangaroo Island, or if the reader pleases, on the borders of the lake Alexandrina. Let it be also supposed that the capitalists actually purchase lands, and let the still more violent supposition be made, that they actually pay for them. What in this case will be the annual amount of the fund available for the conveyance of labouring emigrants from England? The demand for land must be in proportion to the wealth and numbers, and let these be taken to bear a proper ratio to the wealth and population of New South Wales. In 1832, the joint exports and imports of that Colony amounted to very nearly 1,600,000*l.* and the population was in round numbers 60,000, while the number of emigrants who arrived, exclusive of convicts, was 2,006, or equal to two-fifths of the supposed number of the projected Colony*. Now what was the sum

* Lang's *New South Wales*, vol. i. p. 390. Carmichael's *Hints*, p. 40.

derived from the sale of lands in this prosperous Colony for the year in question? Exactly 5,135*l.* 16*s.* 4*d.* This at 5*s.* an acre, shows a sale of 20,540 acres or thereabouts. At this rate a Colony of 5,000 persons would afford an emigration fund of 427*l.* At 20*l.* per head, the lowest price at which a steerage passage has hitherto been procured from this country for New South Wales, this sum, supposing no charge whatever but freight to be incurred either before embarkation or after landing, would convey to South Australia twenty-and-one 'select labourers' and a fraction. It may be said that the price charged for the land is not 5*s.* per acre but 12*s.* It is pretty certain that the same quantity of land would not be sold at a high price as at a more moderate one, but for argument's sake let this point also be conceded. At 12*s.* per acre then, the proceeds of the sale of land in the new Colony would be about 1,025*l.*, which would suffice to convey fifty-one 'select labourers' from the mother country. But it will be quite safe to go a step further, and to assume that the proceeds of the sale of land in a young colony struggling for existence and consisting of only 5,000 settlers, should actually equal those in a prosperous colony of considerable standing and consisting of 60,000. The proceeds of the sale of lands in New South Wales being 5,135*l.*, this sum would be sufficient to convey to the new Colony 256 labourers, and no more. The sum just quoted would suppose the sale of 8,558 acres, which after allowing for the population of a town or towns, must be admitted to be fully as much as can be supposed compatible with the principle of concentration, upon which the success of the whole scheme is built.

Any one of these hypothetical cases is, however, infinitely too favourable for the new Colony. There is a most material drawback. The proceeds of the sales of public lands in New South Wales exhibit only the nett amount, and the indispensable charge of surveys has not yet been alluded to. In 1832, the year already quoted, the charge of surveys exclusive of the 'road' and 'mineral' surveys, amounted to 11,706*l.* 17*s.* 10½*d.* or much more than double the entire proceeds of the sales of lands. Applying this to the new Colony, and supposing twice and more than twice the economy to be exercised by its government that is exercised by that of New South Wales, it is clear that the whole proceeds of the sale of public lands will be absorbed in the charges of collection, and that consequently the emigration fund so stoutly built upon is purely visionary.

The advocates of the new doctrine of colonization will turn in vain to Van Diemen's Land or the United States, for relief from

the dilemma in which such a statement in figures as now exhibited must place them. In Van Diemen's Land, the new system introduced within the last three years has put a total stop to the appropriation of land. The truth is that the charge of 5s. per acre, easily borne in America, with its fertile soil, its fine communications natural and artificial, and its rapidly increasing wealth and population, is excessive in countries like the Australian regions, where abundance of land fitted chiefly for pastoral uses, is all there is to compensate for defective fertility and the absence of good communications. With respect to America, the highest amount realized from the sale of lands in that country has been about three millions of dollars or 600,000*l.*; which at the average price of a dollar an acre, supposes the sale of three millions of acres yearly. In proportion to population, this would afford to the South Australian Colony an emigration fund of 230*l.* in the first instance. When its population had increased to 10,000, the fund would of course be doubled, and if ever it should reach 50,000, the period of maturity which according to the plan would entitle it to a representative government, then its emigration fund would be 2,300*l.*, which would furnish it with 105 'select labourers.' It may perhaps be alleged, that in making these comparative statements, particularly in reference to America, if we estimate the demand and sales of State lands by the population of the established country or colony, we ought in fairness to estimate the demand and sales in Southern Australia, not by the numbers of the new colonists, but by the population of the British islands. If there were any charm in the project of the Colony to lure all British emigrants to it and divert them from settling in any other new country, there would be good ground for the objection; but instead of this it has been shown, that there is a prohibitory tax imposed to deter emigrants of ordinary reflection from resorting to it, and to induce them to prefer any other country, except perhaps Siberia and some portions of the Turkish empire. And on the other hand again, if reference were made to England in the case of the South Australian Colony, it would be necessary to reckon not only England, but nearly the whole European continent, in estimating the produce of the sales of land within the territory of the American Union.

In the mean while and until the Colony is actually planted, the Commissioners are empowered to anticipate the sale of lands, by receiving purchase-money on account from emigrants, and raising a loan for the purpose of conveying 'selected labourers' to the Colony. This is a most ticklish and dangerous

part of the project. It is admitted, that to the Swan River there emigrated at least 5000 labourers. Now that experiment is denounced by the projectors of the New Colony, as a drivelling and paltry attempt at colonization. In order therefore to realize their views of planting not men but society, let it be supposed, as has already been done, that the first detachment of the New Colony amounts to 5000 persons, and that of these 4500 are 'select labourers.' Every one of the latter must be provided with a passage in accordance with the principles of the scheme; and not only this, but must be landed free of expense in the land of promise, and taken care of until they get employment. The passage-money alone at 20*l.* a head will amount to 90,000*l.*, and 10,000*l.* will be but a slender charge for extra expenditure. Thus then is a sum of 100,000*l.* to be raised at once either by anticipating the sale of lands or by mortgaging the whole public lands of the Colony. The sum to be raised by anticipating the sale of lands, it may safely be presumed, will be minute indeed; and whatever its amount, it must necessarily tend to enhance the difficulty of raising funds by mortgage, since it forestalls and impairs the security. The interest to be paid on the bond is of course colonial interest; and indeed, as the security is purely colonial, it could be no other. Now it may be instructive to see what this interest will be, and the facts regarding it are fully stated in the tract published by the Professor of the Australian College, Sydney.

'Twenty per cent on mortgages is not uncommon as a return to money thus lent. Fifteen per cent may be taken as the average return of capital so invested. Private banking presents a field of profitable investment; the rate of discount here for bills being 10*l.* per cent. The dividends at the two Banking Establishments at present in town, have netted to the shareholders of late 20*l.* per cent; and their value is on the increase.'—*Carmichael's Hints* &c. p. 13.

Now let the lowest rate of interest here stated be taken, or ten per cent, and it will be seen that the Colony starts at once after the approved fashion of 'an old country,' with a debt of which the annual interest is 10,000*l.* a-year, and for the payment of which the 'whole public lands of Australia' are about as substantial a security as the heavens above them, or the waters beneath. The public lands, let it be noticed, are the sole security for the 'loan or loans.' The government of the mother country is not answerable for a farthing, neither is the colonial revenue when it exists to be answerable. Who the subscribers to the 'loan or loans' will be under such circumstances, it will be difficult to conjecture; but it may be presumed that the speculators in the Mining, Milking, and Washing Companies

of 1825, or those who associated themselves to pick up dollars in Vigo Bay, or dive for pearls in the Pacific, will not be of the number.

The scheme of the Colony makes no provision whatever for the charges of Government, military, police, or judicial, and yet it is an essential part of the project, and has been held out to be so from its origin, that from the outset it is to pay the whole of its own expenses, and never even in the minutest trifle become a burthen to the mother country. Upon this most important subject not one word is said either in the outline of the project or in the various explanations which have been given of it. Of the produce of the sale of lands, supposing such to exist to any palpable amount, not a farthing can be applied to meet colonial charges; for that imaginary fund has been already appropriated. Is a land tax, or a capitation tax to be levied, or a property tax? or are duties on consumption in the shape of Excise or Customs to be imposed? Some or all of these must be imposed to meet indispensable charges; and they must be considerable, however rigid the economy of the managers, for it is when a Colony is small and its difficulties greatest, that its expenditure will be comparatively greatest and fall heaviest on its members. The revenue of the Colony of New South Wales with its 60,000 inhabitants was in 1832 in round numbers 136,000*l.*, which was at the rate of 2*l.* 5*s.* or thereabout for each individual. The expenditure was somewhat short of the revenue, but did not include the management of the convicts comprising one third part of the whole population, nor any item of military expenditure. Let the managers of the New Colony be supposed imbued with the greatest possible honesty, patriotism, frugality, and financial skill, and still their annual expenditure will be very moderately estimated at 10,000*l.* a-year; a considerably smaller one than the proportional expenditure of New South Wales, omitting in the last the military expenditure, and giving credit in the revenue for the proceeds of public lands which are expressly excluded from the budget of the new Colony. To raise this sum there must exist taxation to the extent of 2*l.* a head, or 10*l.* for each head of a family, to be added to the 9*l.* per annum paid for the lands of the desert. In short the Colony must by hook or by crook continue to raise 20,000*l.* a-year just as it is starting into existence. The poor bantling will be born with a mill-stone about its neck. To this statement, however, a very rational item may safely be added. The capitalists may maintain themselves, but provisions must be laid in by the Government for the labourers to keep them from starving until the first crops be reaped. Prudence will

dictate not less than nine months stores; and for this purpose funds must be raised. Nine months stock of provisions with the necessary hire of transports for its conveyance for 4500 persons, will amount at least to 30*l.* a head, or in all to 135,000*l.*, which at the colonial interest of 10 per cent will be 13,500*l.* a-year. Part of this may afterwards be recovered from those who employ labour; but in the meanwhile it must be placed to the debit of the Colony at starting.

One of the great advantages expected from concentration, or as it is called 'arrangements for preserving constancy and combination of labour*', is that when the population are duly huddled into a corner, they will be necessitated to cultivate skilfully, as in old countries, a small quantity of land, instead of cultivating in a slovenly manner a larger surface as has heretofore happened in new ones. But by what madness is it, that the colonist has a propensity to cultivate the larger surface slovenly in preference to the smaller *à la Chinoise*, if it is not that he obtains more from it? For their own good, the colonists are to be dragooned into a refined husbandry, and in contempt of an old and heretofore admitted maxim of economical wisdom, individuals are not to be permitted to pursue their interests in their own way, but the Government is to prescribe to them what is most for their advantage. The occupants of a new territory think only of the processes which from experience have been found most profitable. Where land is abundant, they find that a great deal of land gives a larger return for the same amount of labour or expenditure of capital when slightly cultivated, than a small surface more carefully tilled. It would be absurdity and folly to pursue any other course than that which they follow. When the land becomes scarce, a more careful husbandry commences, and capital having increased and the price of labour fallen, the proprietor is enabled to introduce improved processes with advantage. The neatly cultivated farms which are now to be seen in almost every one of the old States of the American Union, compared with the ruder husbandry of the newly settled parts of the same country, show the natural progress of agricultural industry. The projectors of the New Colony where labour is dear and capital scarce, are, however, for forcing refined and expensive processes upon the first settlers, and the old colonists both of America and Australia are thus reproached for not having adopted them.—

'This conclusion from the present impossibility of guarding against the ravages of water, is confirmed by observing the effects and causes

of a total neglect by the Australian settlers of the means by which, in corresponding latitudes of Europe, Asia, and Africa, water is made to exert a fertilizing power. Though during the course of a year more rain, it is believed, falls in New South Wales than in England, the Australian settlers suffer terribly from long periods without rain—from what they call “Australian droughts;” and vast tracts of land in that colony, which would be thought excellent if constantly supplied with water, are but little esteemed, because deficient in that natural quality. But this would be the case in some of the most fertile and populous districts of Europe, Africa, and Asia, if their inhabitants should, like the Australians, depend wholly upon nature for a supply of water. The extraordinary fertility of the left bank of the Po, from the source almost of that river to its mouths, depends upon skill in the management of its tributary streams—upon artificial irrigation. The Nile, if its waters were not skilfully guided by man, would only devastate, instead of fertilizing. When the north-west of Africa supported many populous nations, it must have been by means of the greatest skill in preserving water that fell from the clouds, and in raising water from the bowels of the earth. Many fertile parts of Spain, the South of Italy, Greece, and Turkey, would become barren if it were not for wells, pumps, reservoirs, and aqueducts. In the countries round about the Caspian Sea, where a very dense population once existed, there are mixed with the ruins of cities, the ruins of all sorts of contrivances for the management of water; and in order to restore the cities, it would be necessary to begin by restoring the wells, tanks, and aqueducts. Without such contrivances, a great part of the dense population of Southern China must inevitably perish. Where, indeed, in latitudes corresponding with extra-tropical Australia, has a dense population ever been maintained without such contrivances? No where: there is no exception to the rule. In New South Wales, as in similar latitudes of the northern hemisphere, more rain falls during the year than in England; but in England, some rain falls almost every week; while at Naples and Sydney months pass without a cloud. Why, then, one is led to ask, have the settlers in Australia never, to any extent whatever, employed those contrivances for the management of water, to which the inhabitants of other countries are so largely indebted? The answer is full of instruction to future settlers in Australia. Because, in the first place, Australia has been settled by Englishmen, in whose native country, water, falling every week, is often an incumbrance; where fertility depends rather on the art of draining, than on that of collecting and preserving water; Englishmen, whose ignorance of the latter art was not likely to be cured by a sense of its value. Because, secondly, even if the settlers in Australia had seen the value of that art, still, being scattered as they are over a wide expanse of country, they could not have formed dams, embankments, water-courses, tanks, reservoirs, and wells. For to conduct such works, combination is required; combination of two sorts: first that combination of purpose which takes place amongst the landowners of a valley in Europe which is artifi-

ally irrigated—a kind of agreement for co-operation, under which all behave as if they were directed by a single will ; secondly, that combination of labour in particular works, that helping of each other by many, without which no work can be performed which requires, like the formation of embankments, reservoirs, and water-courses, the constant employment of many hands in the same work, at the same time, and for a long period of consecutive time. If Australia had consisted only of the banks of the Hawkesbury, her inhabitants would probably, ere now, have obtained complete control over that river and its tributary streams, confining them within their beds during the rainy seasons, and during the dry seasons conveying their waters, which had been artificially pent up in favourable spots, over a great tract of country, that is now despised as being liable to suffer either from flood or from drought. Considering also what, in this case, the Australians, being a society, and having therefore such classes as tank-makers and well-diggers, would have done to preserve rain-water, and to draw water out of the earth,—from all these considerations it appears again, that when the population of Australia shall become more dense, her soil will be more fit to support a dense population. — *New British Province* &c. p. 12.

Here is as laboured a piece of sophistry as ever was spun from the brain of theorist in the leisure of a study. In every new and thinly-peopled country, it is not the finally richest lands, but the most easily producing lands,—that is, the lands most easily cultivated or which for the same amount of labour will yield the largest immediate returns,—which are earliest occupied. The deep marshy soils heavily timbered, are of course neglected until society is more mature, and the skill and capital of the people better able to struggle with the superior difficulty of bringing them into culture. The early civilization of mankind in China, in Hindostan, in Persia, in Assyria, in Greece, in Italy, and in the table land of the Andes, has all sprung up in dry plains clear of timber, and not in rich, low, and heavily-timbered marshes. The early colonists of Europe, notwithstanding their superior advantages, naturally follow the same course. They pursue the line of industry which is most obvious, easy, and profitable, and attempt more difficult enterprises only as they acquire strength by maturity. The great works of irrigation alluded to in the quotation as the results of combined labour in China, Hindostan, Persia, and Italy, could certainly only have resulted from a dense population. In the barbarous countries of the East, they are the acts of the sovereign, who commonly takes one half the gross produce of the watered lands, as the reward of his patriotism in erecting these boasted works. Originally the works so striking to the imagination, were constructed by the com-

pulsory labour of thousands of trembling subjects, or rather slaves, under the direction of task-masters, a sort of 'constancy and combination' of labour which will hardly be thought a fit model for imitation in an English Colony. Free Englishmen are by no means unqualified to undertake such labours whenever they are found to be necessary and profitable. The extensive irrigation long practised in the Carolinas and Georgia for the culture of rice, and by which the best and cheapest rice is produced, is a sufficient proof of this. The Australians also will construct great works of irrigation as soon as they have need of them, and as soon as they are beneficial;—that is, when there is no foreign market for wool,—when the black and sperm whales of the Pacific are exhausted,—and when they are pinched for room, which will probably not be the case for a thousand years to come. To force them before they are naturally called for, would be to direct capital into the wrong channel, or in other terms to employ capital and labour unprofitably.

Sheep-walks and 'concentration,' are not very easily reconcilable; and consequently the projectors of the new scheme are anxious to counteract a very prevailing notion, the result of forty years experience, that Australia is peculiarly fitted for a pastoral country. The following is their style of argument.

'There is a vague but common impression that Australia is not fit to become an agricultural country; that it is fit only to be a pastoral country. This impression may be correct; but it is not at present a reasonable conclusion. The conclusion is drawn from an English estimate of the soil and climate of Australia, and from the fact that hitherto in Australia it has been far more easy to produce sheep and cattle, than to raise corn and other products of agriculture. But settlers coming from a corresponding latitude of Europe, would have formed a different estimate of the soil and climate of Australia, and, probably, a more correct one. Moreover, the colonists of Australia have been so planted, so widely dispersed and separated from each other, that they could not have been an agricultural people, even though their soil and climate had resembled those of the plains of Lombardy or the Low Countries. For in order to raise the agricultural products of Flanders and the north of Italy, such as corn, rice, wine, tobacco, and silk, it is necessary to employ considerable masses of labour, and of capital as well, in constant combination; and this skilful application of capital and labour could not take place amongst a few scattered shepherds. But those people, it may be said, were so dispersed, and became shepherds, because the soil of their new country was unfit for agriculture; and this argument has been used to show the inexpediency of measures for preventing such dispersion. To this argument the reply is short and conclusive. Settlers on the very rich plains of the Ohio and the Mississippi, have been scattered quite as

much as the Australians, if not more. In all modern colonies, whatever the nature of the soil, the settlers have been scattered as if the object had been to prevent them from becoming an agricultural people. It may be, therefore, that the pastoral habits of the Australians are owing rather to the mode in which the country has been colonized, than to the nature of its soil. And this view of the subject is confirmed by observing, that in colonies of which the soil was equally fit for agriculture and pasturage (the deep and rich, but clear and grassy plains of Buenos Ayres are a striking example), the settlers, being widely dispersed, and not having slaves whose labour might be used in combination, have invariably adopted the pastoral life. In fact, when a colony is planted so that the labour of each settler is separated from that of all the other settlers, and still further weakened by being divided amongst a great number of different occupations, the easiest, not the most productive, kind of industry must be adopted; the easiest, that is, under the circumstance of dispersion. Now, under the circumstance of dispersion, the easiest kind of industry, in countries that happen to be clear by nature, is the pastoral life; while, in countries covered with wood, it is the exhaustion, by over-cropping, of the natural richness of virgin land. Thus the colonist of Buenos Ayres or Australia depends, even for his support, on the grasses supplied by nature, while the settler in the forests of Canada depends on the great but perishable fertility of rotten leaves. In either case, the skill of man contributes but little to production: nearly the whole work is left to nature. But we cannot say that the former case establishes the unfitness of Australia and Buenos Ayres for agricultural production; any more than that the latter case proves the soil of North America to be unfit for the support of sheep and cattle. Both cases, on the contrary, show, that in judging of the productive capacity of land about to be colonized, the intended mode of colonization is a circumstance of equal importance, at least, with the natural features of the country. It were idle to ascertain, what indeed is well known, that much land in New South Wales is fit for producing wine, oil, rice, tobacco, and silk; but in the instance of this new colony, when it is proposed to transplant, not people merely, but society, and to maintain in the new place the means of employing capital in the most skilful way, for whatever purpose; in this case, the probable state of the colonial society should always be borne in mind by those who would draw just conclusions from what has been ascertained respecting natural circumstances.—*New British Province &c.* p. 15.

Notwithstanding all this ingenuity and skilful evasion of the main question, a very superficial examination will show that the Australians have been led, not by accident, but by due consideration and experience, to prefer pastoral to agricultural husbandry. If the case were otherwise, how comes it that in the course of more than two centuries among the many Colonies which were planted in America from the reign of the First James to that of the First George, or that among all the New

States which have been planted there from the Separation downwards, not one has given a preference to pastoral over agricultural husbandry, and yet the former has been preferred in the only two Australian settlements which have hitherto been formed? The causes of the preference of agricultural husbandry in America, and of pastoral husbandry in Australia, are obvious and natural. The soil of North America generally is fertile;—the soil of Australia generally the reverse. The natural communications in America are excellent and well-fitted for the transport of so bulky an article as corn to a market;—the communications in Australia are bad or imperfect, and fitted best for produce that can be conveyed without artificial means, or which, as in the case of wool, is of such value that the charges of transport are comparatively inconsiderable. The lands of America are for the most part heavily timbered;—the lands of Australia are more open. The natural grasses of America are tall, rank, and deficient in nourishment;—the grasses of Australia are sweet and nutritious. America exports corn to almost every part of the world;—Australia can hardly supply itself. America has never furnished wool enough for its own supply, and imports;—Australia promises to be the greatest wool-growing country in the world, and last year furnished the mother country with upwards of three millions and a half pounds weight, and has of late even furnished some of this staple to America. Corn is cheaper in America than in Australia, because the soil and climate are better suited to raise it;—cattle are cheaper in Australia than in America, because the soil and climate are more propitious to their increase. In order to put this matter beyond all doubt, it is only necessary to refer to the prices current of the two countries. The following are extracts from the prices current of Upper Canada, Sydney, and Hobart Town, very recent, and of corresponding periods.

	America.			Australia.		
	£	s.	d.	£	s.	d.
Working Bullocks	16	0	0	4	10	0
Calves	4	7	6	2	0	0
Sheep	0	16	4	0	7	6
Wheat, per bushel	0	4	3	0	5	2
Maize ditto	0	2	0	0	3	3
Barley ditto	0	2	9	0	2	10
Oats ditto	0	1	9	0	3	3
Potatoes ditto	0	1	9	0	5	6

The animal produce of Australia, it will here be seen, is invariably cheaper than the corresponding produce of America, and its vegetable produce invariably dearer. This is con-

clusive. It would, therefore, be just as absurd and mischievous to attempt to direct the industry of the Australians peculiarly to agricultural husbandry, as it would be to recommend to the Americans to betake themselves especially to pastoral employment, when two centuries experience had taught them that they had got rich by agricultural.

But it is the peculiar misfortune of the authors of the 'concentration' scheme, that in the country which they have chosen for their experiment, both descriptions of industry must of necessity be conducted by the same parties. Agricultural must be pursued as an adjunct to pastoral husbandry. Corn and vegetables in the remote pastoral districts must be raised for the use of cattle, farm-servants, and the household of the farmer; because in such situations it is much cheaper to raise than to buy. In this predicament, 'concentration,' 'constancy,' and 'combination' of labour are hopeless and impracticable in the sense in which the projectors mean them. In the first stocking of a farm of a thousand acres in New South Wales, the best judges recommend that ten acres only should be tilled. The whole stock has been estimated at 345*l.*, of which the clearing and cropping of the ten acres together with the cattle and agricultural implements to effect it amount only to 125*l.*, or not a great deal more than one-third of the entire stock*. Dr. Lang, after ten years experience, and admitting that there are 'particular localities' equally fitted for agricultural as for pastoral purposes, pronounces that 'nature, or rather the God of nature, evidently intended that the territory of New South Wales should be a pastoral country, and be devoted in a great measure to the rearing of sheep and cattle†.'

The advocates of the 'concentration' project quote the history of various European Colonies, in corroboration of the truth of their theory, and assuredly a more strange perversion of history never was attempted. The success of every Colony that succeeded, is successively and recklessly ascribed to 'concentration,' and the failure of every one that failed to the absence of it. The first example referred to is Virginia. The three first attempts to settle it, failed miserably; and it is represented that it did not prosper until the accidental arrival of a Dutch slave-ship and the purchase by the Colonists of part of her cargo of negroes. The necessary degree of concentration and combination of labour, it is to be understood, was then effected, and instantly and as if by enchantment the Colony began to flourish, tobacco

* Lang's New South Wales, ii, p. 199.

† Lang's New South Wales, ii, p. 165.

to be largely cultivated, and the planters to grow wealthy. Such is the statement and conclusion of the advocates of the new project. But the real facts are as follow. The first attempt to form a settlement in Virginia was not in 1684, and it was not till three-and-twenty years thereafter that an actual Colony was planted. No account is taken by the advocates of the new doctrine, of the gross ignorance of the adventurers,—their being landed upon an unknown coast,—their improvidence,—their feuds,—their country being covered by a deep forest,—the pursuit of gold mines which did not exist,—and the hostility of the Indians, with whom they were engaged in frequent warfare. With respect to the culture of tobacco, it so happens, that it was carried on and largely exported to England *before* the purchase of the portion of the cargo of the slave-ship. The facts were these. The Colonists learned the use of tobacco from the natives of Virginia, and first introduced the taste for it into England, which rapidly spreading, produced a demand for the article in the only part of the English dominions which produced it. This stimulated the Virginian colonists to produce it, and they of course entered largely into this branch of industry, even to the neglect of raising food; and this no doubt they would have done, if no Dutch ship had ever arrived on their coast. Among other articles which the introduction of slavery is alleged to have enabled the Virginian colonists to produce, is cotton; just as if cotton had ever been a staple produce of the colony. Small quantities of coarse cotton had been from a very early time produced in various parts of North America for occasional domestic use, but it was very nearly 200 years from the date of the establishment of the first Colony, that cotton became a staple and was exported, and it never has been exported from Virginia. The founders of such an undertaking as the planting of a new colony, should be nicer in their chronology and statistics.

But the alleged prosperity of Virginia from concentration, or slavery, or any other cause, was not much to boast of after all. Fifty years after the first attempt at American colonization by Englishmen, seventeen years after the first actual plantation, and five after the arrival of the slaves, and after the expenditure of 150,000*l.* of public money, the whole population of Virginia amounted to no more than 2,000 persons, out of nine thousand that had emigrated; while the value of its exports, composed no doubt entirely of tobacco, which then sold for as many shillings as now for pence*, was only 20,000*l.*

* Chalmers's Annals, quoted by Robertson, Hist. of America, Book ix.

The success of the Spanish Colony of Hispaniola is contrasted with the early failures in Virginia. It is described as having 'excited the wonder and envy of all Europe*.' All this, according to the new doctrine, was the result of 'concentration and combination' of labour, and the concentration and combination of labour were produced by seizing the natives of the Island, making them work in gangs as slaves for the benefit of their Spanish masters, and when they were reduced in numbers and nearly extinguished by being over-worked, kidnapping the natives of neighbouring islands, and treating them in the same manner. Now it is quite possible to suppose, that the Spanish lords of St. Domingo, who in the tropical and unwholesome climate of that island could not get Europeans to perform the labours of the mine or the field, might acquire wealth when the Indians, reduced to slavery, were compelled to labour for them for nothing. It was just the same thing as if they had received the gift of so many oxen or cattle. They reduced the wages of Indian labour to next to nothing; but what earthly connexion had this with concentration and combination of labour? The envied success of the Colony of Hispaniola is described by way of enhancing the contrast, as having taken place 'only just before†' the failures in Virginia. This 'just before' turns out to have been just one hundred years. The Spaniards had in fact nearly a century's experience of colonization, before the English attempted it.

The Dutch Colony of New York flourished without slavery, and other means must therefore be had recourse to, to account for its success. 'In New York,' says the author of 'The New Colony &c.,' 'the inhabitants were peculiarly dense. The war-like nature of the Indians compelled them to combine; they were afraid to separate; dreading the incursions of the Indians, they kept together in order that they might be ready to co-operate against the common danger‡.' There were equally numerous and equally savage and hostile natives opposed to the Virginian colony, but not a word is said of their happy effects in inducing the colonists to 'combine and concentrate.' If the Dutch Colonists were driven into prosperity by the apprehension of the tomahawk and the scalping knife, their case was a peculiar one; for even civilized warfare, is sufficient to arrest the progress to prosperity of all other societies.

The reader is next carried to the Cape of Good Hope to

* New British Province &c page 170.

† New British Province &c. page 170.

‡ New British Province &c. page 172

behold the woeful consequences of 'dispersion.' The Dutch Colony did not flourish, and the cause ascribed for its failure is as follows.—

'They adopted the absurd principle of giving away land; the settler took large grants; they could not produce without combination; they could not find employment; and the Dutch colonies degenerated, the people becoming perfect savages. The Dutch boors of the Cape of Good Hope are even now the rudest and most barbarous individuals upon the face of the globe.' *New &c.*—p. 172.

Here there were both slaves and warlike natives, as this nation knows to its cost. Why did either the one or the other or both, not produce 'concentration and combination of labour' as in Virginia and New York? The causes of the meagre prosperity of the Cape Colony are on the very surface. For 200 years the country was under the misrule of a Company of merchant monopolists. It is, for its extent, one of the most barren tracts in the known world, consisting generally of an ocean of sand producing nothing but some bulbous plants and heaths, and over the surface of which, islets of fertile land are thinly scattered. It is subject to blights, droughts, and locusts. It has no navigable rivers. It has no civilized country to the East or to the West of it, nearer than 6,000 miles, or two months voyage. To the North it has warlike and inhospitable barbarians, and sandy deserts; and to the South it has icebergs and the Pole. With such draw-backs, it is only surprising to what a degree the Colony has flourished. Let the people but be concentrated in accordance with the new principle, and they inevitably all perish together, with their lands and flocks, their buffaloes and fat-tailed sheep.

But the great example held out *in terrorem* against the neglect of the principle of concentration, is the recent Colony of the Swan River. Every man of common discernment and of the smallest experience in such matters, foretold the failure of that project long before the adventurers sailed. The government resolved upon planting the Colony, on the report of a naval officer, who had less knowledge of soils and husbandry than the veriest hind in Essex. The Colonists landed on an unproductive part of the coast, in a country which had neither a navigable river nor harbour, and open to the rage of westerly winds and gales, which in those latitudes prevail for the latter part of the year. The whole failure is ascribed by the advocates of the new principle to 'dispersion,' although no dispersion did take place, until the Colonists, in hopes of bettering their condition were driven to it from necessity. With these reasoners, 500,000 acres of land given to the cousin of Sir Robert Peel,

go further to account for the failure of the project, than a bad locality, want of forecast in the government, and ignorance and inordinate expectations on the part of the adventurers. But the Colony is not a failure except in reference to the extravagant expectations of its founders, and the enormous and unnecessary sums of public money and private capital wasted in the undertaking. It still consists of 2,000 Colonists; and as it is difficult to plant the English race in any country in which they will not subdue difficulties and correct the errors of their government and their own, it may be predicted that the Swan River Colony will not only flourish in spite of its inauspicious origin, but eventually become a great community, and in the course of a few ages in all human likelihood a great and independent nation. There will be no danger in further prophesying, that should the new Colony of South Australia be undertaken on the principle and on the scale of magnitude which the plan meditates, its progress will soon be more disastrous than that of the Swan River Settlement. Yet in time, after a period of misery, and after correcting its theory, it too may flourish, become a great country, and in due course a great nation. It may take root *in spite of* the labours of its founders; but certainly not by means of them.

The success of the Colonies of New South Wales and Van Diemen's Land is ascribed by the authors of the new scheme wholly to the existence of slavery,—that is, of convict labour. Yet surely slave labour has produced no concentration there, for the 60,000 inhabitants of the first are dispersed over a surface exceeding that of Great Britain, or in other words each individual has on an average a surface of a thousand acres to range about in. In fact there is much ground to doubt whether the Australian Colonies have ever derived the slightest benefit from the labour of the convicts. On the contrary it is even probable, that their prosperity has been disturbed and distracted by them. Had the government instead of sending the 850 convicts who landed in Sydney under Governor King 47 years ago, paid the passage thither of the same number of voluntary emigrants of the proper description in an equal proportion of the sexes, Australia, with the accession of emigrants which it would have received from the mother country, would at this day in all likelihood have been not only a more respectable but a more flourishing country than it now is. Mr. Carmichael says in the tract already quoted,—

‘Facts may be adduced to substantiate the statement,—that the work done by the convict is not more than one-third of that which a free man by ordinary exertion will be found to perform. The convict

will often refuse to do more, though well fed and clothed, even beyond the allowance fixed by the Government Regulations. And when there is taken into account the continual thieving and waste of property predominant, when the eye of the master is not recognized; the robbery for their own advantage, the malicious waste for the sake of punishing their employer;—there seems sufficient grounds for expressing a doubt whether convict, compared with free labour, be more advantageous to the Colonist. And when the *moral* aspect of society is glanced at, there needs be little hesitation in declaring it to be the paramount interest of the whole community to have turned towards the Colony from the Mother Country, as large and varied and well-regulated a stream of free emigration as, with the aid of the surplus funds of the Colony, and under the guidance of *bona fide* philanthropic men, might scatter yearly over the territory, the elements of an untainted and industrious peasantry.—p. 36.

An estimate of the labour of a convict in comparison with that of a free man, would in fact reduce the effectual convict labour of New South Wales to less than that of 7,000 persons, or little more than one-tenth of the population. Another evil effect of convict labour springs from its reducing wages, and consequently discouraging the resort of free emigrants. The wages of a common free labourer in New South Wales are only 12*l.* a-year; whereas in Upper Canada they are 27*l.*; board included in both. The wages of a female house-servant in Upper Canada range from 12*l.* to 21*l.*; whereas the wages of a dairy woman, a class of servants in high demand in New South Wales, are only from 10*l.* to 12*l.* Skilled labour is more nearly on an equality; although still the balance is in favour of Canada. This arises from the convicts interfering less in the labour market*. These striking facts show the injury inflicted on the Australian Colonies by convict labour.

The authors of the new scheme having quoted a few detached examples of slave and convict colonies, in which they fancied that they discovered the beneficial operation of slavery in producing combination of labour, are silent or nearly silent in respect to those parts of the world in which colonization has been most eminently successful, and in which concentration or combination of labour through slavery or any other means, could not even be alleged. The whole American Union is very quickly despatched. In the text of the little book entitled 'The New Colony of Southern Australia,' it is asserted that 'those colonies, without exception, in which there has been superabundance of land without any kind of slavery, have been eminently poor

* Fergusson's Canada, p. 352; and Carmichael's Hints to Emigrants, p. 30 and 32.

and barbarous*.' This might seem startling, as peradventure the Eastern and Northern States of America, with their eight or nine millions of freemen, might come into the reader's recollection; and therefore, in a note, we are duly cautioned that those portions of the Union in which slavery has no existence, are but parts of a society where it is of course to be inferred, that the slavery of the Southern States has been the cause, not only of their own prosperity, but of the prosperity of the whole Union. To enhance the merit of the Southern States and the good work thus effected by slavery, it is announced, that the two millions of slaves are worth in market value one hundred and twenty millions sterling; which it must be owned seems somewhat hyperbolic, seeing that this is sixty pounds a head for man, woman, and child,—or more than twice the enormous price which the British nation has paid for the slaves of its own Colonies. But if the Eastern and Northern States of the Union owe their prosperity to the slavery of the South, surely the present British Colonies of America cannot do so; and yet these are prospering rapidly without slavery, and without dreaming of concentration or combination, and in fact are at present nearly as populous as the American Republic was at its separation.

A word, however, in passing, respecting this question of slavery and the advantages supposed to have resulted from it in producing combination of labour. It will occur at once to the reader, that negro slavery has never been had recourse to, or never at least to an extent to affect in the slightest degree the labour market, in any country in which the free labour of white men was available. Negro slavery is limited to tropical countries, or to countries in which the summers are so hot and unwholesome that Europeans are found to be incapacitated from carrying on field labour in them. The discovery of the New World produced in Europe an extensive demand for the products of these warm countries, such as sugar, cotton, rice, coffee, and tobacco, articles all of them nearly unknown before. These commodities, to be sure, could have been furnished by countries where slavery did not exist; but this was prevented by the monopoly which each European country granted to its own American colony. These American colonies were all thinly inhabited by a feeble race speedily exterminated, and to answer the demands of the European market they must be peopled, and they were peopled with the only race whose constitutions were fitted to labour in them, negroes; and these negroes, as it happened, were

* New British Province &c. p. 31.

in a state of slavery. If there had been no warm regions in the New World, neither negro nor any other slavery would ever have existed there. Even the monopoly of colonial produce was absolutely necessary to the existence of slavery; for had sugar and coffee and cotton been supplied from the beginning by free trade from the East, the West Indies would now have been peopled with Caribs, and the descendants or mixed descendants of Europeans in a free state, as in some parts of the Continent, and the negroes would have remained in Africa.

How the existence of slavery produces 'combination and concentration of labour,' seems to common understandings utterly inexplicable. The proprietors of sugar, coffee, or cotton estates, carry on their particular business as independently of their neighbours, as the proprietors of estates producing wheat and barley, or oats, or turnips, do of theirs. There is no charm in the words 'gang' and 'cart-whip' to work wonders in the department of industry. Some descriptions of rural industry require a larger capital and more hands to conduct them successfully than others, in the same way that some descriptions of manufactures require more capital and hands than others. The production of sugar partaking more of the character of a manufacture strictly so called than any other branch of husbandry, requires probably a larger capital and more hands than any other; but the recent importations of good sugar from China, Siam, India, and other countries of the East, are proof sufficient that even this may be conducted successfully with moderate capitals and without either gangs or cart-whip. Coffee, which does not afford a crop for four years, requires a larger capital than corn which yields one in six months. But all tropical productions are not of this character. Rice and cotton, for example, yield as quick returns, and may be conducted as a branch of husbandry with as small capitals and as few hands, as the culture of oats, barley, or potatoes. Even in temperate regions, as every one knows, one description of rural industry is conducted most advantageously with large capitals, and another with small. In England no small capitalist attempts to grow hops, and no large one vegetables. In wine countries, the growth of the vine for the making of wine, which like sugar approaches to the character of a manufacture, is mostly confined to considerable proprietors. The case is similar in Australia. No small proprietor attempts sheep-farming, which requires considerable capital and a wide range of land; and no large one meddles in the production of garden vegetables for the market. Among the dogmas of the projectors of the new Colony, is the monstrous one, that without combining

labour in 'masses' as they express it, there can be no exportable produce, no foreign trade. Such gratuitous assertions are best refuted by a reference to facts. The United States exported in 1831, exclusive of cotton, rice, tobacco, and sugar as being the produce of the Slave States, and exclusive of bullion, to the value of twenty millions of dollars of domestic produce. Bengal exports yearly of native produce, the result of free labour, about 7,000,000*l.* worth; whereas those parts of British India in which there exist millions of slaves, and where labour is therefore supposed to exist in 'masses,' does not export half a million.

In the sketch given of the new Colony, is presented a catalogue of the commodities on which the labour in 'masses' is to be employed. Of the value and accuracy of this statement, the reader will judge by a few observations upon them. They are divided into three classes*,—spontaneous productions,—those now exported from the existing Australian colonies,—and possible productions. Roofing slate,—which it is supposed *may* exist because there is a certain schistose rock formation in Kangaroo Island,—it is proposed to export to the Isle of France, which is 5,000 miles off, and which were every house in the island roofed with Kangaroo slate, would not take off 500*l.* worth a-year. Coal is supposed to exist, because it exists in the same continent at the distance of at least 1000 miles. Among the proposed markets for it are Calcutta and Canton. Calcutta has coal mines within 100 miles of it, now extensively worked, and with water carriage all the way; and the New South Australians, if ever they find coal, may as well talk of sending it to Newcastle. As to Canton, the sanguine speculators might as well talk of sending opera hats or leather breeches to the Chinese. The total export of coals from New South Wales, after coal mines have been wrought in that country for forty years, amounted in 1833 only to 866 tons, chiefly used in the fisheries and Van Diemen's Land, and of which the cost was near 20*s.* per ton†, or three times the price of better coals at Shields or Sunderland. Woods for cabinet-work and ship-building, are said to abound all over Australia. This is not quite correct; there has been yet found no timber well adapted for ship-building, and all or almost all the shipping used in the colonial whale-fishery is built in the mother country. Very small quantities of fancy wood have been imported into this country from Australia, of no remarkable beauty or value; but the fact is that the 'lumber trade,' is not one which will bear a voyage over more than half the earth's circumference.

* New British Province &c. p. 80.

† Lang's New South Wales, i. p. 393.

'Gums of various species' and qualities, are described as abounding in the woods of Australia, and 'particularly gum Arabic and manna*.' Here, on a small scale, is a good specimen of the heedless and ill-instructed statements of the projectors. Neither of the trees producing these commodities exists in Australia. The gum Arabic is the produce of the *Acacia Vera*, a native of Arabia, and some parts of Africa; and manna, not a gum at all, is the produce of one or more species of *Fraxinus*, natives of Italy and other parts of the south of Europe. Much commendation is bestowed on the salt of Kangaroo Island, and it is described as selling in the market of Sydney for a higher price than English salt. Here is another statistic blunder. The salt of Kangaroo Island is common bay salt, which sells in every market in the world for less than English boiled salt, because, although fitter for the occasional purposes of curing fish and meat, it is much less fit from its dirtiness for ordinary culinary purposes. If the salt of Kangaroo Island be really so cheap and abundant, why is it not used, and why is it not cheap, in the markets of Sydney and Hobart Town? In the market of the first of these, when it is cheapest, it sells duty free at from ten to thirteen times the price of a much better article at Liverpool. Tobacco is stated as another product which may be raised when masses of labour are brought to bear on its production. This is a misrepresentation. Fine tobacco requires a skilful culture, and a peculiar soil and climate; but ordinary tobacco may be raised by a free peasant with his own hands, as well and as cheaply as by a great capitalist with a gang of a hundred slaves. The fact is that the soil and climate of Australia seem not to be well suited to the production of this article; for under the protection of a duty of a shilling a pound, it sells in the Sydney market for at least three times as much as in this country, and for six times as much as it does in the markets of America. These samples will show the spirit and accuracy with which the catalogue has been prepared.

And now a few words for the locality of the projected Colony. The information is better than was possessed by the first settlers in Virginia; and the locality promises fairer than Swan River. Still it is most imperfect and unsatisfactory. The projectors have hardly made up their minds whether the first expedition shall land at Nepean Bay in Kangaroo Island, or on the shores of Port Lincoln on the main, near 200 miles away from it. The evidences for the eligibility of the locality, consist of three captains of the navy, two military officers, three masters of

trading vessels, the mate and steward of a whaler, and an artist. No practical farmer testifies to the goodness of the soil, or the fitness of the climate. There is no question but Port Lincoln and Nepean Bay, are both of them safe, commodious, and excellent harbours; but the accounts given of the soil by different voyagers, are so discordant, as to excite the greatest suspicion. Captain Flinders pronounces the neighbourhood of Port Lincoln to be 'rocky and barren,' and he is contradicted by the French navigators Baudin and Freycinet, who, however, state no evidence for its fertility. With respect to Kangaroo Island, the statements of the two parties are exactly reversed; the French navigators taking the unfavourable, and the English the favourable side. There is a similar discrepancy generally, between the statements of the minor witnesses. 'Here it may be well to remark,' says the author of the 'New British Province &c.' 'that the number, size, and fatness of the kangaroos found on any spot, may lead to a tolerably correct judgment as to the fertility of the soil.'—p. 24. What a bounty of real information on so important a subject, does this passage betray. It might as well be alleged that the soil of the moors of Scotland may be judged of by the comparative plumpness of the grouse or red deer that inhabit them. Yet the 'fat kangaroos' are over and over referred to as evidence. The examples of Captain Cook and Sir Joseph Banks, ought to be a warning to all future founders of colonies. Captain Cook, the most eminent navigator and discoverer that this country has produced except Dampier, pronounced Botany Bay,—afterwards discovered to be wide open to the easterly gales, and utterly unsafe as a harbour,—to be admirably fitted for the site of a new Colony; and refused to look into Port Jackson, only eight miles from him, and probably the finest harbour in the world, because he fancied it was only 'a boat harbour.' And Sir Joseph Banks, a landed proprietor of 10,000*l.* a-year and a great botanist, pronounced the land of the same Botany Bay to be a series of beautiful meadows, abounding in the richest pasture,—which meadows and pasture, turned out to be barren swamps and sterile sands. In truth no colonization, and especially none of the magnitude spoken of, ought in common prudence to be attempted, without a survey agricultural as well as geographical. This ought to be accomplished not directly from this country, but by one of the Australian local governments, under instructions from England. It is in Australia that competent judges of suitable soil and climate, are most likely to be found. The first Colony too, ought to be planted, not from this country, but from Sydney or Hobart Town, from which the

necessaries of life requisite to maintain the new settlers until they can raise food for themselves, can be obtained far more cheaply and suitably than from the mother country. After the nucleus of a Colony had been planted from one of the old Australian Colonies, it would then be time enough for emigrants to repair from this country.

All this is supposing another new colony to be wanted at all, and that Britain has not already colonies enough; but who in common discretion is prepared to make such an assertion? Britain has too many colonies, which almost overwhelm the mother country with their expenses, for not one of them pays its own. The projectors should remember that the formation of a new settlement on the scale which they contemplate, is in itself a most mischievous violation of that principle of concentration which they so much insist upon. In the existing colonies there is room enough and to spare, for emigration. Within the last six years, upwards of two hundred thousand settlers have proceeded to them, and there is still room in them for a greater population than that of the United Kingdom. An enormous expense has been incurred in planting them, which makes it the more impolitic and wanton to launch out into fresh extravagance. But if colonizing be resolved upon, it is clear that the expense must be borne by the State. It is the duty of the State to found colonies when they are necessary, and the notion that private persons can plant them without loss is a mere delusion. They might just as well calculate upon making fortresses, or fleets, or armies pay their own expenses.

A few words may be said of the advantages and disadvantages of Australia, in comparison with America, for colonization. Australia possesses a milder climate than America, and is without question the most healthy of all the new countries which Europeans have yet had experience of. The land and water is not there ice-bound for half the year; and agues are unknown. Australia is also suited for pastoral husbandry, which no part of America has yet been found to be. These, however, are the sum of its advantages over any part of North America. In fertility of soil it is greatly inferior, and therefore far less suited for any description of agricultural husbandry, unless by possibility the vine, which is at present under trial, and for which no part of America has yet been found suitable. Now and then a tract of fertile land occurs, but much of the surface of Australia, as Dr. Lang expresses it, presents 'an aspect of absolute sterility, and hopeless desolation*.' In no respect, how-

* Lang's New South Wales, vol. i, p. 252.

ever, is Australia so inferior to America, as in natural communications. Instead of the great internal seas of America, it has few great lakes and no navigable ones. Instead of possessing such mighty rivers as those of America, it has not one that is navigable for vessels of burthen even fifty miles from the sea. Two of its greatest rivers, instead of communicating with the ocean, were traced to their termination in foul and melancholy marshes. Another which promised better, after being traced along a navigable course of 1000 miles, disappointed expectation, by ending in a salt lagoon within a few miles of the sea, far from road or harbour. In one river of Australia, the 'Hunter,' there is a steam-vessel twice a week;—in one river of America, the Mississippi, there are plying 200 steam-boats every day. The projectors of the new scheme take very strange means of proving, notwithstanding these obvious and uncontrovertible facts, that the communications are excellent and extensive. They reason as follows.—

'For the present case, in which it is hoped to maintain in the colony the same skilful application of capital and labour as takes place in England, good natural means of communication are most desirable. The attention of the reader is, therefore, particularly directed to the form of the southern coast of Australia. Between the limits of the colony, which in a straight line comprise a distance of 500 miles, the extent of coast, including the coasts of Kangaroo Island and the shores of Lake Alexandrina, amounts to about 2,150 miles; and between the Eastern extremity of Lake Alexandrina and Cape Wiles, the distance in a straight line being about 220 miles, the extent of land washed by the waters either of the ocean or of the lake, amounts to about 1,400 miles. Here, then, are ample means of transport, for exchange among the settlers themselves, and for conveying to Nepean Bay and Port Lincoln produce fit for exchange in distant markets; while those fine harbours will be most serviceable for the landing of emigrants, stock, and goods, and for the future management of trade with the neighbouring colonies, and with distant countries.'—*New British Province* &c. p. 19.

It may be asked, what would be thought of the judgment of the person who would measure Africa from the head of the Red Sea to the head of the Mediterranean, including the shores of Madagascar and of Cape Verd, and then exclaim, 'what a noble extent of communication!' The reasoning is of a perfect parity. Australia, like Africa, is not only deficient in internal communications, but like it, it has for one of its greatest defects, that it is little broken by bays or inlets of the sea.

With respect to commercial neighbourhood, nearly all the advantages are on the side of America. The most civilized portion of the globe is five months sail from the one, and about

one fifth part of that distance from the other. Australia in lieu of South America, has Van Diemen's Land; and in lieu of the West Indian Archipelago, New Zealand with half a million of cannibals. The only advantage of neighbourhood* which Australia possesses over North America, is, that it has India and China nearer to it. Many parts of the great group of the Indian Archipelago communicate with it; and India and China, destined perhaps some day to be conquered by the hardy shepherds and mariners of the Antipodes, are not farther from it than Europe is from North America.

To sum up, then, the plan of the projected Colony is based upon *four* notable fallacies.

First, The fallacy of the man who should say, 'Beef, bread, and potatoes in equal proportions, make the best possible dinner. Of the two first, there happens to be but an ounce a-day per man; therefore take special care he does not consume potatoes to make up. Keep a special watch that he gets no more than his ounce of potatoes too; for if not, *you spoil the beauty of the best possible proportions.*' There is nobody that would be taken in by such a proposal as this. There is nobody that does not see, that if beef and bread are scant, that is the very reason why potatoes should be looked to for support. In new colonies, both capital and labour are scant; and the facility of obtaining land to work on, is what nature has given for a compensation.

Secondly, The fallacy of pretended concentration; amounting to saying, 'Take the comfort and satisfaction dispersed over the back-woods of America, and cram it into a petty colony *secundum artem* with the loss of half of it by the way,—and you will be astonished to find how much better the half will look in the eyes of simpletons, than the whole.'

Thirdly, The fallacy of slavery; consisting in parading the comforts and luxuries of a small number of the higher classes, and overlooking the fact that all this has been obtained by the destruction of a greater quantity of comforts and luxuries taken from the 'labourers' at whose expense the whole is made. Upon which it is quite enough to say, that if the people of England are fools enough to go, they may.

Fourthly, The fallacy of the Corn Laws; consisting in putting forward the benefits of monopoly in the hands of a particular class, and inferring that by some magic roundabout, the effects are to expand themselves over the whole society in the shape of some general advantage.

* Lang's New South Wales, vol. i, p. 311.

Finally, a particular object of ambition in this Article is, that the author of the 'Political Register' or his correspondents, will call the New South Australian Colony the scheme of the 'mathematical politicians of the Bentham and Westminster Review school.'

ART. XII.—*Proceedings of the Spanish Cortes. Session 1834.*

WHILE the public heart was sickening at the no-meaning of the Chancellor's speech to his brother burgesses of Inverness, there comes from Spain a speech of Señor Trueba, Secretary to the Cortes. This gentleman was for some time resident in England, and author of some English novels and dramatic pieces which obtained considerable success. His speech contains passages worthy of a British statesman, as he may in some sort claim to be. The occasion of its delivery was the presentation and signing of a petition to the Cortes respecting the Political Rights of Spaniards. The Spanish statesmen, unlike the Whigs of England, think that the proper commencement of their labours in National Reform, is to declare the principles of their policy.

Let Señor Trueba speak for himself. The Secretary after acknowledging the difficulties of Spanish politics at this moment, thus manfully proceeds.—

'The very evils which afflict the country, and the very dangers which threaten its growing liberties, are so many reasons, and weighty reasons, to induce me, far from being terrified at the sight of these calamities and dangers, to support the petition with all the zeal and determination which a sense of truth and justice inspires. If we analyse the Estatuto Real, we shall find that it is an organic law, nothing more,—necessary to constitute and assemble the representatives of the nation with the faculties proper to them;—but that it wants the fundamental basis on which all representative governments must be supported. This species of government is composed of two distinct parts;—the mechanism establishing the forms of governing, and the fixed principles by which the government shall be conducted. The mechanism may be subject to modifications; but not so the principles; these are fixed and indestructible. In the mechanism we see great variety. In France and England the representative body consists of two parts, in Sweden of three; and the variety not only exists in the parts of which the said bodies are composed, but also in other particulars, since one English Chamber is hereditary, while the French are elective, having formerly been hereditary. Those of the United States are elective; and in Spain, according to the Estatuto Real, the Estamento de Proceres is a mixed chamber, since it consists of hereditary and elected Proceres. I again repeat that this only refers to the mechanism, and not the principles; and the Estatuto Real

wanting the basis of principles, is a law without the means of support or defence.'

After giving a brief historical summary of the progress of English Representation,—marking the chief epochs when it has existed in name merely, or only to shade the despotism of a Prorogation ;—in order to show that it is not sufficient to have the form of a Representative Government, whether under the title of Estamentos, Cortes, Constitution, or any other appellation, Señor Trueba proceeds ;—

'It is of little importance whether there be one, two, or forty Chambers, if the bases of civil liberty are wanting. Who can doubt this ; and *let but this principle be once admitted, how can we avoid admitting its natural consequences ?* Individual security, the security of property, equality before the law, are the natural consequences of civil liberty.'

The Tories will be apt to dispute his notions on the Press as it exists in England, and even Radicals will not be disposed to concur in the perfection which he attributes to it ; but it must be remembered that Señor Trueba speaks of Spain, and though there may be much more of freedom here than the Spaniards have, this is not a sufficient reason for not striving to get as much as our position is capable of, before we are content. This uneasiness under removable grievances, is a chief source of the blessings that belong to Englishmen ; while in other places, where people have been disposed to loll with their hands in their pockets, the little that they had has been taken from them.

'The freedom of the press is the bugbear which frightens the timid, the terror of all those whose interests are likely to suffer from so rigid and vigilant a censor. The question is reduced to this,—whether the press is a positive good or evil ? The abuses into which it may be betrayed, the dangers which it may produce, are not to be considered of any weight against the essence of the principle. I think the utility of the freedom of the press, to be a problem resolved at the present day in a most satisfactory manner. Let France, let Belgium, let the United States, finally, little England, that classic soil of liberty, that privileged country, where social rights are known and respected,—let them all bear witness to my assertion.'

The remarks on the Government decree in Spain relative to the militia, are hardly less applicable to an English Act of Parliament, or a Royal Commission, or a Ministerial pledge ; it is better always, to begin with a declaration of intentions and objects, that the work may be compared with and animated by it. 'An Act of Parliament that gives a bit of a Reform, or a Reform in one place, has however this use in the end ; it has

provoked a taste for better things elsewhere, which must be gratified sooner or later.

‘Let us not be told that the Government is occupied in preparing a regulation ; for what is conceded by a decree, which may be withdrawn as easily as it was issued, is not of the same value as that which is established by a fundamental law, in whose formation all whose concurrence is essential concur.’

Then follows an admirable onslaught on the fallacy of ‘Slow and sure,’—‘Too little and too much.’

‘It will be said that in our Parliamentary labours we ought to proceed little by little : we should proceed little by little in that part of our Parliamentary labours which has reference to reforms. Reform indicates the existence of an abuse which it is proposed to correct ; and though it might be advantageous to correct abuses speedily, yet political reasons require that this should be done by degrees. But though this course should be adopted with respect to reforms, it ought not to be adopted with respect to principles. *A principle cannot be established bit by bit ; a principle, like truth, is admitted as soon as made known ; for the light of truth appears from the moment that the eyes are opened to see it. Besides, liberty is not a science to be learned ; it is a natural instinct impressed on the human heart ; and man, as soon as he feels it, has a right to satisfy it, and to seek the shortest and most efficacious means of doing so. In vain, reasons drawn from a theory, brilliant perhaps, but not the less specious, would persuade the contrary ; for it is plain that the shortest way to go from one point to another is by a straight line, and not by making several turnings.* It will be said that the enjoyment of these rights might produce abuses in the actual condition of the nation. To forbid the use of a thing from fear of its abuse, is an argument not admitted in sound logic ; for the same reason you might find fault with a general rule on account of the exceptions to it. Besides, all human things, the most useful and the best, are subject to abuses of power, to errors of comprehension, and to the excesses of the passions. Thus the arms which the assassin uses are the same as those which serve for the defence of the peaceful citizen. Let us carry this argument still further. Religion degenerated into fanaticism, which is its abuse, has been productive of the most horrid evils to society. The bloodiest wars, the most implacable hatred, the most atrocious slaughter, have often had their origin in a principle of virtue,—in excess of piety badly understood. Will it be contended that on account of these things religion is an evil, and that its worship should be prohibited in all nations ? How often have we seen the sacred altars of justice bedewed with the blood of the innocent ! How often have the prisons been filled with the moans and the despairing shrieks of innocent victims ! And because there may have been judges whose ignorance, want of foresight, and malice have made them unworthy of the respectable character with which they were invested, is it to be inferred that the judicial institution is pernicious, and that tribunals ought not to exist ?’

The speaker concludes with a beautiful reference of the previous reasoning to the case of his own country.

‘Will it be said, too, that Spain is not in a condition to enjoy these rights? When then will it be? I have passed the greater part of my life in foreign countries. England and France may be regarded as the models of civilized nations. I have paid some attention to the state of things in those countries; and though there may be a difference with respect to knowledge and enlightenment among the higher classes, and perhaps among the middle, yet that difference is not to be found among the common people, who form the greater mass of the nation. The common people are upon the whole, with few modifications, the same in all countries.’

‘But I will assert, that the country population of Spain is not like that of the southern part of France. No, the Spaniards have a more vivid imagination, and greater aptitude for all things; and I also say, that with equal means they would have arrived at better results. But supposing, as I am bound to suppose, that Spain is at the present day much in arrear with respect to France and England, who will be found here bold enough to maintain that Spain in 1834 is more backward than England in 1688, the period when the fundamental rights of the English were declared? Who will say that Spain is more backward than Portugal? I shall doubtless be told that the greater part of the rights included in this petition are already comprised among our ancient laws. True,—but how?—as a beautiful vestment concealed at the bottom of a chest, from which we desire to take it for the purpose of giving it air. Thus, then, we ought to insist that our Government should place us on an equality with those illustrious nations which serve as a rule and a guide,—with those nations which if they have risen to the height of prosperity and greatness, have only done so by means of a representative and national government.’

This moral may be drawn from the instance. That bigotry all the world over is the same, and the people are everywhere told by their betters that they are not to be trusted, until the people can act as well as talk. If the Whigs will follow Señor Trueba’s example, and plainly declare the principles on which they act, and their intention to follow them out in all their consequences as the time and case may permit, then will Radicalism sit by, a patient looker-on, or willingly become an active and energetic auxiliary.

In every way the proceedings in Spain hold out a great lesson to England. ‘The Spanish Whigs or *juste milieu*, by hanging back, are throwing the power into the hands of the Radicals or real liberals. Let any man go over the ground when the game is finished, and see if it is not amusing to discover, with what a very small step into the right on this side or on the other, the *juste milieu* might have held their ground, and

prevented the balance from canting in favour of their rivals. The thing that is, is the thing that shall be; and the English of all parties are invited to study the example.

ART. XIII.—*Memoir of a Proposed New System of Permanent Fortification.* (In English and French). By Joseph Bordwine, Professor of Fortification at the Honourable East India Company's Military Seminary, Addiscombe, late of the Quarter-Master General's Staff, &c.—London; Cochrane and Co. 4to. pp. 168. With Plates.

IN the present state of this country and of Europe, it is highly politic and necessary to keep up the public attention in a certain degree to matters connected with the military art. Resolute as the domestic enemy appears to be, in sticking to his expectation of one day settling his quarrel 'in blood,' there is no man that can say he may not have to build a sconce to hold some passage against the Tories, or turn his house into a 'Tillietudlem' to check some inroad of a conservative Army of the Faith. In Europe also, every man looks forward with anxiety in one way or the other, to the contest which is to drive the influence of the barbarous powers from Western Europe, and establish the outposts of civilized man on the lines of the Dwina and the Dnieper. Such a combination, whatever changes may have taken place in the relative importance of fortified places, will call for the occupation of a vast number of new points and passages by the European Alliance. Those who remember the regret felt that Napoleon did not occupy the neighbourhood of Orcha, Witepsk, and Smolensko till the ensuing spring, will perceive that if there is any situation in Europe in which it would be desirable for the anti-barbarous Alliance to possess two or three fortified places of first rate magnitude, it would be this. Conceding to the fullest extent, that the modern use of fortified places is reduced substantially to the holding of passages and communications,—with rare possible exceptions in favour of the desirableness of grand depôts in an open country;—there is still no reason for considering the art and mystery of fortification as a thing obsolete and gone by. On the contrary, there is just expectancy enough to show, that any leading discovery for its improvement, would come in most apt time for useful application.

The peculiar feature of Professor Bordwine's System,—which he has ruminated on for above thirty years, and of which the writer of this Article has had a comrade's knowledge for above twenty-eight,—is the insulation of the bastion from the *corps de place*,

and making the batteries which are to flank the curtain, *internal* instead of *external*. In addition to this, circular forms are adopted generally for the bastion, *corps de place*, and outworks; a suggestion not new, and which therefore ought not to be confounded with the novel proposition of Professor Bordwine. For exemplification, trace a circle of about five feet radius to represent the *corps de place*; place eight Cheshire cheeses* touching the *corps de place* and at equal distances from one another; cut out of each a sector with an angle about of 135° , on the side towards the *place*, and on the lines which form this sector place your batteries for the defence of the curtain or space between the bastions; carry your ditch round the whole, and sink your bastions in it to the level of the *place*. In this way might My Uncle Toby have arrived at a very tolerable representation of the leading feature of the new system.

The great advantage proposed, is evidently that the flanking batteries, which in the old system are to be enfiladed without being covered by any part of the bastion, are not *come-at-able*, inasmuch as the mass and body of the bastion is thrown before them. The invention has the grandeur of simplicity; and considering that the actual system of fortification has been in operation for three centuries without material change, there is nothing in analogy to make it doubtful that the time may possibly have come for an improvement.

All '*legitimate*' military establishments hate improvements. In other words, they hate alterations. They view war as a game which they would gladly play by the existing rules; and for that very reason the *illegitimates* will always be inventing new ones. It is not long since an officer applied to the Admiralty touching some projected improvement in naval gunnery; and the Admiralty answered straight forward, 'We do not wish for any alterations in naval war.' The consequence therefore is, that the first time the Admiralty is concerned with war, it will have to limp after the improvements in the hands of its opponents. This is in fact one of the strong provisions of nature, for the success of revolutions. It will not therefore be considered as putting an extinguisher on the new system, that it has been opposed by the Engineers. The question was not, whether all existing fortresses should be incontinently pulled down and new ones built on the proposed system; but whether there were not points in the proposed system which an able man

* Which are cylinders of about two feet diameter, and eight inches thick. Less than eight bastions does not answer well; which will probably have the effect of confining the application to places of the higher orders.

would take advantage of hereafter. Time and the foreigner will show.

The rules for determining the merit of the *details* of the proposed new system, must depend on a large and comprehensive estimate of the relations between the general circumstances of the defending and attacking parties. A fortress presents a small and confined space, which has to defend itself against an almost unlimited circumference. The quantity of possible fire that can be put forward by the fortress is easily ascertained. The assailant, if he pleases, may fill the visible horizon with engines of assault, and even with two or three sets of engines, one operating over the other. Hence the impossibility,—in all ordinary cases,—of anything like a perpetual defence. The increased use of vertical fire,—of which the English siege of Mataras in India is the most marked instance since the cessation of general war,—will probably end in obliging all fortresses to cover themselves, or at all events to have what a sailor would call a lower deck. It appears exceedingly absurd, that when a fortress is expected to be attacked, as Antwerp, timber, which may or may not be procurable, should then for the first time be called for, to put the garrison under something like cover. For the defence also, the use of vertical fire has the manifest advantages, of the pieces not being seen, of their being defensible (even without cover overhead) from anything but vertical fire, and of their not being posted in lines which offer advantages to an enemy's enfilade. In this view one of the most important means of augmenting the defence of places, would probably be the improvement of ricochet or howitzer fire, in such manner as should in fact enable the whole of the disposable ground within the place to be occupied by pieces acting *en ricochet* over the entire ramparts while the enemy was in his distant parallels, and shifting their ground whenever any advantage was to be gained by it; and changing this into a vertical or mortar fire, when the enemy got nearer. The difference between such a defence, and what may be made by a few dozen guns placed in straight lines on the walls, does not seem difficult to trace. Rockets (*fusées*) are also a weapon which might manifestly be used with great advantage by the besieged; as demanding neither works nor lines, and being in fact projectible from any point where a man can stand. For an attack also (for it invariably happens that things of this kind cut both ways), there seems no absolute impossibility in divisions of infantry and cavalry bringing up every man a rocket before a fortress; and at the outbreak of a war, a *coup de main* or two of this kind, might have a sensible effect in changing the face of Europe.

All Professor Bordwine's application of his system has been to what is called Regular Fortification ; which is undeniably in the natural progress of events. But this may give room to remark the vast comparative importance, which what is (perhaps improperly enough) called *Irregular Fortification*, has taken in the modern theory of war. The old theory was to build a fortress in the place where the strongest fortress could most easily be built ; and it was not far from being considered as ascertained, that a regular or uniform fortification in a level country, was one of the most defensible of all. But modern war has decreed, that a fortress shall be of little or no use unless it occupies some passage or communication ; the site therefore of modern fortresses is not for the engineer to pick, but is dictated to him by foreign circumstances. And this it is, that gives such increased importance to the branch of the science of fortification which treats of irregular or fortuitous positions. One of the most important subjects connected with this, is the theory of what the French call *défilement*, or the means of protecting a fortified work from the advantages which difference of altitude might otherwise give to the enemy. If a surface be supposed to pass through the upper line of the parapet of any work, and also through the point occupied by the enemy (which shall here be supposed *higher* than the work), it is plain that by shaping the floor or bottom of the work so as to be parallel to this surface, the work will be brought to nearly the same degree of safety and protection, as if the enemy had not been elevated. This imaginary surface is called the surface of *défilement* ; and thirty years ago, whatever may be the case now, it does not appear that the writers on fortification had clearly persuaded themselves, that the surface of *défilement*, where the parapet is a straight line of any kind, must always be a plane. On the meaning of the word *command*, an equal degree of inaccuracy appears to have been abroad. The vulgar idea of *command* is, that one position commands another, when it is *above* it. It is true it often does ; but it is equally possible for a position to command another when it is on the *same level* or *below* it. A surface is properly said to be commanded, when it is exposed to the influence of an enemy from some particular point or position, in a greater degree than would have happened if the surface and the point had been in one horizontal plane. And this, with the modern weapons of artillery and musquetry, happens whenever the prolongation of the plane of the surface, cuts the vertical line passing through the point or position of the enemy, in a part which is below that point, and foreign

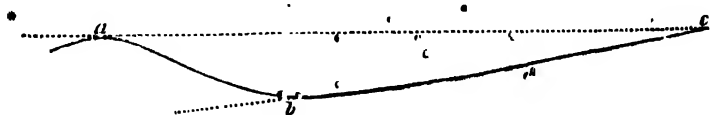
obstacles do not intervene. For example, the surface *bc* below*, is commanded from the position *a*, without commanding it; for every part is exposed to view, and consequently to fire, from *a*, in a greater degree than would have happened if *a* and the surface *bc* had been in one horizontal plane. And this exposure will be neither increased nor diminished, if instead of *a* and *c* being in the same horizontal level as represented below, the whole ground is such as will be represented by turning the book round to the right or left, so as to make either *a* or *c* higher than the other. It follows therefore, that a man may be *below* his enemy, and still perfectly command his position, and without being commanded by him;—a point of knowledge that might be worth a great success. With the weapons in use in Cæsar's time,—the *pilum*,—the *à superiori loco* was undoubtedly an immense advantage; but all that, has been altered since.

These are mentioned here; as instances of the directions in which the science of Fortification may probably find room for improvement. Like all other science, it must be in favour of man's best interests in the end, by the token that the happy and the free will always make the most vigorous application of the results.

ART. XIV.—1. *Machiavel, son Genie et ses Erreurs*. By A. F. Artaud, ancien Chargé d'Affaires de France à Florence, à Vienne, et à Rome, Président de la Société des Bibliophiles Français.—Paris, 1833. 2 tom. 8vo.

2. *Traité Complet de Diplomatie*. Par un Ancien Ministre.—Paris, 1834. 2 tom. 8vo.

DIPLMACY is one of the branches of public administration which have hitherto escaped due scrutiny. Although to announce a diplomatist is equivalent to announcing a trickster, and the practice of many of the class justifies their ill name, no reform has yet been applied to their corruptions. The men engaged in various departments of negotiation, ambassadors, ministers, envoys, attachés, consuls, and agents accredited and private, with their subsidiary journalists, pamphleteers, and spies, are supported at an expense vastly



beyond their value ; and while some individuals of unblemished character are engaged in honourable diplomatic missions, too many are but venal instruments in compassing the basest ends. The results of negotiations justify the general bad character of negotiators ; tedious and uncertain, they sacrifice the less intelligent to the crafty, and the weak to the strong, for considerations which have no imaginable connexion with the merit of the matters settled. Nevertheless no attempt is made to remedy these evils by suggesting a better system, nor even to prepare the way to improvement by exposing manfully the system which exists. 'The flowery path of pleasure,' as an eminent Chief Justice* of the last century designated this pursuit, is spared by reformers in Parliament for other reasons than for the innocence of its delights, or for the purity of its objects. Whatever those reasons may be, popular opinion is less indulgent, and the public voice will soon compel attempts at least, to be made towards improving diplomacy. A change of individual agents in the management of Foreign Affairs is the only measure ordinarily proposed for promoting the desired reform. But that change will be of little avail, if the new men are to travel the old way ; and in defiance of the exertions of some honourable writers in favour of better things, all nations at present, without exception, pursue the old way in their Foreign Negotiations with signal fidelity. All practise either bribery or fraud, offensively or defensively ; all conduct negotiations in secret ; and all, therefore, indirectly encourage both bribery and fraud to an indefinite extent. The deep immorality of Machiavel is attributed to the corruptions of Italy in the fifteenth and sixteenth centuries with an ill grace in the eighteenth and nineteenth, when equal immorality is exhibited without shame, and even defended as a necessity of man's nature. If governments have altered some of the forms of baseness, they are still essentially corrupt in the groundwork of their proceedings. The preparations to almost every treaty, the steps towards every conquest without exception, and the expenditure of secret-service-money upon a scale unknown in any former age, are proofs of the truth of the charge.

One of the latest publications illustrative of this subject, is a historical work written by M. Bignon, French negotiator, and now a leading member of the Chamber of Deputies. Napoleon, in his last will, earnestly urged him to publish the history of French diplomacy from 1792 to 1815. The work produced

* Sir Eardley Wilmut, Chief Justice of the Common Pleas, in a Letter to his Son on the choice of a profession.—Preface to his Reports, 4to.

upon this impulse is entitled *Histoire de France*; but it is in fact a defence of Napoleon, and the history of the diplomacy of all countries in relation with France since the Revolution. M. Bignon is a distinguished member of the *Corps Diplomatique*; his testimony, therefore, to the baseness of that body is the less open to suspicion.

'The permanent embassies,' he says, 'at the different capitals of Europe, have produced an animated system of diplomacy. They constitute a kind of fencing-school, in which each party is occupied by turn, in devising, or detecting intrigues; in contriving, or evading snares; in penetrating the weak quarters of his adversary, or in defending his own against sinister attacks; in which contention the weapons of integrity and good faith are the last resorted to, however sure they would be to produce success. This system is equally fatal to the truth of history, and to the best interests of mankind.'—*Histoire de France*, par M. Bignon. Paris, 1829. Vol. i. p. 21.

The doctrine of an eminent living Judge in the United States of North America, upon the secrecy indispensable, according to him, to the success of negotiations, turns upon the same principles which M. Bignon reproaches.

'In the formation of treaties,' says Mr. Justice Story, 'secrecy and immediate despatch are generally requisite, and sometimes absolutely indispensable. Intelligence may often be obtained, and measures be matured in secrecy, which could never be done unless in the faith and confidence of profound secrecy. No man, at all acquainted with diplomacy, but must have felt, that the success of negotiations as often depends upon their being unknown by the public, as upon their justice, or their policy. Men will assume responsibility in private, and communicate information, and express opinions, which they would feel the greatest repugnance publicly to avow. And measures may be defeated by the intrigues of foreign powers, if they suspect them to be in progress, and understand their precise nature and extent.'—*Commentaries on the Constitution of the United States*. By James Story. Boston, 1833. Vol. iii. p. 357.

Similar principles run through the work named at the head of this paper, and which is modestly called a 'Complete Treatise of Diplomacy, par un Ancien Ministre'; but in which there is to be found scarcely a single reference to an authority, or one original opinion. The value of this catch-penny publication may be fairly estimated by a single specimen. The *Ancien Ministre* adopts with entire approbation, the miserable and stale trick, which is called sagacious, of professing false opinions in order to ascertain the real sentiments of a co-negotiator; and the innocence of such tricks, is defended by the citation of the Latin,—*Dolus an virtus, quis in hoste requirit?*—*Traité Complet &c.* Vol. iii. p. 59.

Secular diplomacy now occupies a space far exceeding that once filled by the Jesuits of Papal Rome, as it perhaps more than represents the acts in which the Jesuits enjoyed a hateful pre-eminence. But the failures of modern diplomacy as the means of establishing lasting concord between States, are even more remarkable; and the inefficiency for good of what is thus deeply and extensively imbued with evil, justifies the expectation that something may be devised at once more powerful and more pure. The grand circumstance calculated to effect this, would be a prudent and gradual substitution of diplomatic publicity in the place of the existing system of secrecy. If it be vain to expect such secrecy will be immediately abandoned by every government, or be fully given up at once by any, those which are free have strong motives for extending the publicity hitherto partially encouraged by them. The occasional disadvantages to which they might be exposed by inopportune disclosures, would be amply compensated by the general advantages of the system.

Complete publicity must be ultimately enjoyed, whenever the people assume the full control of their own affairs. The maxim is beginning to be more than an empty saying, which King Edward transferred from the Canon Law to the public concerns of England, — *Quod omnes tangit, ab omnibus tractetur*.—Let every man have a voice in what affects every man. However successful ill-designing or ill-advised governments may be for a time in suppressing the demonstrations of men's thoughts by means of the press or in popular assemblies, public opinion cannot by any contrivance, or by any blundering, be refused a share of influence; and an indispensable preliminary to such influence being exercised upon that branch of public affairs which relates to foreign nations, is that diplomatic details be made known to the people. At present some things of great weight are not known or disclosed at all; yet false versions mislead the public mind. Secret treaties, and secret negotiations exist in Europe, to the disturbance of the tranquillity of the whole world; and large sums of money have been paid for the disclosure of secret treaties and negotiations, which when bought, could not be used freely because the means of acquisition were too scandalous to permit even the possession of the intelligence to be avowed. Hence it arises that governments commit the gravest errors against their own interests as well as against the interests of the public, solely from an imperfect knowledge of facts. With systematic publicity, the probability of the occurrence of such errors would be infinitely lessened; and a sound public opinion, now lost upon one of the

most important operations of society, would in the large majority of cases, supply a timely corrective to mistakes.

The evils attendant upon keeping diplomatic documents secret, are not now noticed for the first time. A century and a half ago, Leibnitz observed them for a limited purpose; and to depend upon greater publicity as an instrument of diplomatic reform, was more distinctly made one of the principles attempted to be introduced at the first French Revolution. Leibnitz remarks, that when printing had disclosed the errors and frauds of historians, documents began to be essential parts of history.—

‘The publicity of documents is useful to display the artifices of statesmen, the truth of history, and above all the laws of nations. As in law-suits much passes between the parties and the judge which is never reported, and female attractions or gold often prevail over law and truth, so in state affairs secret circumstances have the greatest influence, which if exposed to the light would be defeated. A false rumour will often push men upon measures suggested by a thirst of vengeance, of which they are soon heartily ashamed; and the truly magnanimous are thus stimulated to do things infinitely disproportioned to the occasion, in order to avoid imputations that can scarcely be traced to an intelligible source. Even worse motives have caused all the horrors of war; the sleepless nights of a king, the instigation of a weak woman, or the ambition of a minister. Some political writers even make men worse than they are; they invent what they announce as truth, and the spirit of national enmity promotes such calumnies. Instances are often met with of the most astonishing inventions, justified by nothing but the most absurd credulity, against the sovereigns and ministers of different countries. Indeed history must always be faithless, unless founded upon the personal memoirs of great statesmen, or on public documents; and printing has incomparably facilitated the multiplication of documents in modern times beyond the means possessed by the ancients for that purpose.’—*Codex Gentium. Leibnitzii Opera. Ed. Genev. 1768. 4to. tom. iv, p. 3.*

The ideas somewhat obscurely enounced by Leibnitz, were endeavoured to be improved in France into a system which should contemplate an entire publicity of diplomatic proceedings. Events did not favour the calm developement of such a system; and the old principles were very soon resumed in at least all their former virulence. The last effort made to promote a better system of diplomacy generally, was the abolition of presents to ambassadors. Upon this occasion the French Minister for Foreign Affairs denounced the former practice as ‘the art of dissimulation, perfidy, imposture, and fraud; when the most cunning negociator stood in highest esteem; and the

name of a great politician was really synonymous with that of a great rogue.'—*Debats de la Convention*, 28 Septembre, 1792.

A curious illustration of the whole subject is presented in the work entitled 'Machiavel, his Genius and his Errors.' The question of whether Machiavel wrote his celebrated book in sincerity or in irony, is one of the undecided points in modern literature. The leaning of M. Artaud is towards the first. It is in fact far from being improbable, that both may be true. There would be no difficulty in discovering men, who without considering themselves as knaves, pride themselves on their knowledge of a tactic which could at any moment be turned to knavery.

During several years at the close of the fifteenth century, Machiavel was employed in the Secretary of State's Office at Florence. In 1498, at the age of twenty-eight, he commenced a series of diplomatic missions in various parts of Italy, in France, and in Germany, which continued uninterruptedly fourteen years. During all this time he also held the post of Secretary of State under the old government, which had been re-established upon the expulsion of the elder Medici. He had especially approved of the elevation of their enemy Soderini, elected in his time Gonfaloniere of Florence for life; and he had taken an extremely active part in sealing the ruin of the expelled family. In 1512, a new revolution in favour of that family forced one of them upon the republic of Florence as its chief, and deprived Machiavel of all his public employments. He had, however, powerful friends, and even patrons, among the partisans of the new government; and although soon accused of plotting a counter-revolution, he was evidently not a man disposed to carry his principles to martyrdom. While under this accusation, he suffered one of the modes of torture then in use to compel him to make discoveries. From his prison he addressed to Julian de Medici, Governor of Florence, two sonnets lately found in Machiavel's hand-writing.

But to be free from a prison was far from contenting the secretary. In announcing it a few days afterwards to a friend, who was a powerful member of the Medici party, he promised to be 'more prudent' in future; and in the same month, of March 1512, he besought the same friend to 'recommend him to the recollection of Leo X., for employment at Rome, or by any of the Pope's connexions. If I could but be employed,' he adds, 'I think I should do you honour, and profit myself.' In the same week he promises to act so as to satisfy his 'padroni,' if they will but raise him from the dust. [*Artaud*, vol. i, p. 236.] In the following month of April, he expresses his confidence,

that his services will be accepted by the Medici in Florence, or by the Pope, who was also a Medici. But his confidence was ill-founded. New efforts were indispensable; and the fact of this time having been chosen for the production of 'The Prince,' appears in favour of the theory of his having at least intended it to be acceptable to tyranny.

After tracing to his correspondent, who was minister at Rome from the Medici at Florence, his various occupations of the day at his country-house, Machiavel thus continues;—

'When evening comes on, I return home, and go to my library, to the old haunts of the ancients. I converse with them unrestrained; and ask them without reserve the motives of all their actions. Here I daily spend four uninterrupted hours without weariness. I forget my troubles, and bid defiance even to my poverty. I abandon my whole mind to them, and agreeing with Dante, that our own knowledge only comes by the knowledge collected from others, I note carefully what these ancients say; and thus compose my little book upon governments, plunging into the deep secrets of the subject. As it cannot fail to be acceptable to a Prince, and especially to one new on his throne, I have dedicated it to the Magnificent Julian.

'You would have me come to Rome to you, and share your enjoyments. I am most anxious to do so. What makes me hesitate is, that these Soderini [the fallen chiefs of Florence] are in Rome, and I could not avoid paying them the respect of a visit. This would expose me to suspicion and trouble upon my return to Florence.'

'I have conversed with your brother Philip concerning my little work, and consulted him whether I shall do well to speak of it or not; whether I ought to present it, or not present it; whether I should carry it myself, or send it to you. Not to present it myself, naturally exposes me to the risk, that Julian will not read it, or that Cardinal Ardinghelli will assume to himself the credit of this my last production. The strait I am in, urges me to present the book. I am wearing out; and I cannot remain much longer as I am, without being rendered contemptible by my poverty.'

'After this proof, I wish these noble Medici would begin to employ me; even were it only at first in unprofitably rolling a stone. If I do not then win their good will, I can complain only of myself. In this work, if it be well digested, may be seen that in the fifteen years during which I have been studying how to govern men, I was neither asleep, nor squandered my time away. As to my fidelity, it ought not be doubted; for he may be trusted safely, who has never betrayed a trust. He who has been faithful and true until his 43rd year, which is my age, is not likely to change his nature. My poverty too, is a sure guarantee.'—*Artaud*, vol. i. p. 252.

This letter was written in 1513, and in 1514 the writer is again found exclaiming against continued neglect. The Medici did not share Machiavel's opinion of his incorruptible fidelity.

‘I am to remain then,’ he says in 1514, ‘in my rags, without meeting with a man who remembers my past services, or who thinks my future exertions worth accepting. My present state is utterly intolerable. I feel myself sinking; and if Providence be not more kind, I must soon quit my home, and accept some wretched clerk’s appointment, or run away from my numerous family and become a village schoolmaster. I am here but a burthen, with no other habits than those of a spendthrift.’—*Ib.* p. 270.

The irregularities which other letters disclose, fully support this candid confession. Machiavel’s spendthrift habits and corrupt character marred his domestic happiness, and incapacitated him, with all the resources of his great genius, from bearing his fall with even tolerable decency. After six more years, in which he blended the composition of his noblest works with the writing of the most ignoble supplications, Machiavel obtained official employment, which he enjoyed above six years, until his death at the age of fifty-eight in 1527.

In reflecting upon his own conduct after the loss of his posts in 1512, great indeed must his dissatisfaction have been. Instead of nine long years of fruitless humiliation as a suppliant for patronage, he might have devoted the rare talents of which he was justly conscious, to labours certainly of more honourable result, and probably of more immediate profit. He possessed a competency of fortune to support a studious and unexpensive retreat; he was free from debt, and his abilities were too well known to have permitted neglect to be possible, could he have truly respected himself. He had ‘troops of friends,’ an amiable family, and the command of great literary resources.

But Machiavel was deficient in those moral qualities which enable men to meet reverses of fortune with fortitude. As a diplomatist, in which character alone he is to be considered on the present occasion, he very early proved how well he was versed in the ways of corruption. During his first mission in France, he expostulated frankly with the Florentine Government his employers, because they did not spend money enough in bribing influential individuals at the French Court.—

‘The enjoy of Lucca,’ he says in an early despatch, ‘has secured the best reception here by means of friends gained through the Mammon of iniquity; while you think that a good cause alone will procure you success.’—A.p. 1500. *Œuvres de Machiavel*, Paris 1799. 8vo. vol. 7. p. 76.

Again he urges that—

‘It is indispensable to be provided with the means of making partisans; the Florentines are the only people who have not secured one of

those mediators who enter into their views, and know how to get up an intrigue when wanted.'—*Ib.* p. 85.

Again—

'Robertet, the Secretary of France, is our only friend left, and we shall soon lose him, if his friendship be not secured by other means than words.'—*Ib.* p. 91.

And again at the close of this almost his earliest mission, Machiavel recurs to the same topic.—

'Permit me,' says the persevering envoy, 'to repeat a remark made with many details soon after our arrival. I have not mentioned the subject lately, because I would not appear presuming, and because more experienced persons in the Government must have confirmed what I said of what is indispensable to success in this court. I allude to the necessity of securing here some friend, some protection, as all other governments do that have missions in France. It is impossible to doubt, that if our ambassador do not give to Robertet at least, some strong tokens of gratitude, we shall not be able to get so much as a common letter despatched.'—*Ib.* p. 166.

Nor was money the only coin by which, in Machiavel's opinion, influence was proper to be bought. Jules Scurigliati, a talkative Italian, possessed considerable influence in the French Court, which hitherto he had devoted to the interests of the Florentines. The same Italian happened to be engaged in a private law-suit at Florence, in which the regular court of justice had taken some steps to his disadvantage. In revenge he was likely to take part with the enemies of the Florentines in France. Machiavel therefore warmly urges the Florentine Government to—

'Contribute all in their power towards the Italian's success in the law-suit. It is absolutely necessary to contrive to give him hopes. If this be not done, the first ill news will let him loose; and a most furious, ungovernable adversary he will prove.'—*Ib.* p. 169.

Whether the wrath of this man was to be averted by the Florentine Government ruining his adversaries through their influence in the court of justice where the law-suit was in progress, or whether he was to be pacified for a convenient time by the small fraud of a few flattering hopes and opportune delays in that court, is not quite apparent. But it is abundantly clear that Machiavel meant to have the man's silence secured.

The despatches of Machiavel have been much praised, and with reason. They are in most respects models of diplomatic writing; clear to the initiated readers, as the persons to whom they were written unquestionably were; cautious as well as sagacious in conjecture; precise as well as various in informa-

tion; and frank in the expression of the writer's opinions. But they contain the most singular proofs of the way in which Machiavel's mind ran upon money. The supply of his own pecuniary wants, or the appropriation of funds to satisfy the rapacious demands of others for services to be rendered to Florence in various forms, take up perhaps one tenth part of this correspondence. But however an apologist may disguise the matter, Machiavel's own despatches* expose him to far heavier reproach in regard to his conduct, when Cesar Borgia entrapped and murdered the confederate Italian Princes at Sinigaglia on the night of the 1st of January 1502, after pretending to be reconciled to them. Machiavel was then engaged in forming amicable relations between Borgia and the Florentines, who were deadly foes to the confederates. He was watching the designs of Borgia, with intense interest; and the day before, learned from himself that he meant to commit the murder. Whether the Florentines and Machiavel were concerned in preconcerting the crime, is not clear from the published despatches; but some important parts of the series are missing; and the morning after the murder he not only calmly received Borgia's proposals for a more intimate alliance with Florence, but also earnestly urged his own Government to profit by the events which he plainly approved. Machiavel was anxious too that an important prisoner, not yet put to death, who was an enemy to the Florentines, should be bought by them from the captors, in order to be kept in safe hold. He expressed surprise too, that his Government did not signify their gratitude for acts so beneficial to Florence as these murders of their enemies; and he could not find terms too strong for his admiration of the policy of a Prince, with whom after this sanguinary and treacherous success, he is more and more earnest that his own country should be intimately allied. To look upon so active a sharer in the benefits of a confessed crime, as a simple narrator of events that happened pending an unwilling diplomatic mission, as is coolly done by M. Artaud, is carrying allowances for situation to a great length. And this excuse for Machiavel, that he merely reported to his Government the facts which he witnessed as an envoy, is the less available, inasmuch as the admiration he expresses for the ability of Borgia, is carefully repeated in the speculative books of politics written in his retirement.

Such are a few of the traits exhibited by Machiavel, in the actual course of his diplomatic missions. He has left also, in

* Œuvres de Machiavel. Paris, 1798, vol. vii. pp. 288, 298, 362, 364, 367, 376, 379.

his advice to a young negotiator of the year 1522, abstract lessons which his eulogist M. Artaud considers perfect for the year 1833. According to this advice, an Ambassador must—

'Study the Sovereign and the ministers of the court to which he is accredited, and accommodate himself to everything that will smooth his way so as that he may command the ear of the sovereign, and by that means obtain success in his mission. He must acquire the reputation of being willing to pay largely for intelligence, and of being capable of concealing the names of the traitors willing to sell him their services. He is not to appear crafty, although upon occasion he is really to be so. He is to keep a good table, and encourage gambling in order to attract talkative men who may let out secrets. What one guest is ignorant of, another may know; generally all know a little, and this the ambassador is to make a reasonable story out of. Above all, he is to ascertain whether those who influence the sovereign, are corruptible or not.'—*Artaud*. vol. ii, p. 97.

Upon this text M. Artaud builds a world of eulogy in honour of Machiavel, as a teacher in diplomacy; and he closes a parade of the advantage of these precepts, by announcing that at the Congress of Vienna M. de Talleyrand exhibited an instance of their brilliant success.

The attempted elevation of Machiavel to the level of the leading politicians of the time, is one form of acknowledgment that those leading politicians are not far from Machiavel's level. Those who admire Machiavel and resemble him, will be very apt to adopt the policy which he advocates. One of the great objects of Machiavel's admiration in all his works, is Cesar Borgia, and one of the chief features in Borgia's policy as exhibited in Machiavel's despatches, is secrecy. 'An admirable system of secrecy prevails in this court,' says he in the first fortnight of his mission to Borgia, (*Œuvres de Machiavel*, vol. vii. p. 219.); and in one of his last despatches he says, 'The duke [Borgia] is so secret, as I have mentioned often, that he communicates his designs to none.' *Ib.* p. 360.

It is a common fallacy, to evade the claims of more publicity by the assertion, that *nothing* is now-a-days kept secret. If corruption, with its concomitant and great cause, secrecy, has always somewhat tarnished the career of the greatest men, such as even the Temples, and Sullys,—still such men recognized the wisdom of rejecting those aids. It is for men like them, to attempt on this head greater reforms than the condition of their times permitted them to hope for. The beginning must be imperfect; but the change would be immense in effect, if a rule were adopted to publish periodically the despatches to and from every foreign minister, with such exceptions at, first as the

infancy of the plan and old habits may render unavoidable. Instead of secrecy being the general practice, and publication the rare exception, publication would be the rule, and secrecy the exception. At no distant day all may be told that passes in negotiations, and those dark secrets only will then remain unknown, which bad hearts will never cease to harbour, even when their number shall have shrunk into an amount at once inconsiderable and powerless.

ART. XV—*Speech of Lord Brougham to the Burgesses of Inverness.*—
Edinburgh Paper. Sept. 1834.

ONE set says we move too slowly, that is, safely; the other as pertinaciously contends that we are going too fast.' This is the language of the Schoolmaster.

What connexion there is between safety and slowness, must be determined by the nature of the two conditions expressed by the terms. There is no natural relation between the two; it must be then discovered in the application of the terms to the subject matter in discussion. In politics, on what does safety depend? On the completeness and applicability of the course to the object, and the circumstances of person, time, and place. How can slowness contribute to these results? Only so far as it gives opportunity for reflection, and the discovery of all the conditions that require to be regarded. Here slowness is made synonymous with time and reflection; an obvious sophistication. The devotion of attention to a subject, with the determination to accomplish it, may complete it in a day, a week, a month; and perhaps years may not give the means or opportunity of rightly appreciating it. The question then is, how much time is needed. 'Not so,' say the legislators,—We think that a part of the work must be done now; a little bit by and by; a piece more after that.' They are shoe-makers who would send home one shoe at a time. Tailors who would deliver the body of the coat and reserve the sleeves. Carpenters who would return the table rough-hewn. Glovers who would sell the fingers of the glove unsewn. Were tradesmen to proceed according to this method, the absurdity would be so intelligible to all that it would be laughed to scorn.

If an accountant were to say that he should more safely come to a conclusion, if he calculated slowly,—if he computed a part of the account now, and the rest by and by, and came to the work by fits and starts,—everybody who understood business

would predict the certainty of error and failure. One thing at a time, and that thing well done, is a good maxim for the individual; but the state has many servants assigned to different departments of its service, in order that they may all proceed together in their work. Wherefore these manifold services, but that there may be contemporaneous and onward progress in all? It is true, there is slowness; but it is a slowness that arises from incapacity and unfitness for their task; from a misdirection and ill-distribution of the labour; a slowness that produces certainty of no results but bad.

When a man skilled in the requisite talents for an undertaking, devotes all his time, his energy, his skill, to the constant pursuit of his object, with a directness and singleness of aim undistracted by incompatible cares, and giving all thought and reflection and observation to the preparation for his work and the circumstances of his position, his slowness is conducive to security. But is this the slowness of the Whigs? Their slowness is that of the incapable or the purposeless man, or of one who wishes to do the reverse of what his position enforces. He either knows not how to proceed rightly, or where he sees the right he endeavours to evade it. It is the slowness of the man, who is all-attempting, beginning everything and accomplishing nothing. His work is ever half-finished, and if forced to be done, done by halves. It is the slowness of the procrastinator, who will do nothing till effort is inevitable; and then the result, except in a few happy instances of remarkable energy and genius, is as inefficient and incomplete as in the case of the all-attempter. It is the slowness of divided counsels, and a half made-up mind; or of the intriguer who is striving to reconcile incompatibilities, to suit various views and humours at the same moment. It is the slowness of the courtier, who thinks all government and the power thereof, made for the use of the governor and not of the people. It is the slowness of a debtor dishonest or incapable, who cannot meet the face of a dun, and dares not state his case lest the truth should ruin him for ever. It is the slowness of roguery of every class; the slowness of prejudice, the slowness of pride; the slowness of the lover of place, to be moved only when his own gain or self-will may be secured or gratified by movement. It is not the slowness of forethought, and forecasting of present plans for foreseen ends; it is the slowness of the weathercock which is stiff and slow to turn, blow which ever way the wind may, and cannot turn at all without the force of a gust.

Another memorable fallacy of the learned Burgess, was that too much rather than too little had been done by the Reform

ministry and its Parliament. This, like 'slow and sure,' is a fallacy of heinous mischief. Too much in what direction? It can be decided only by asking ourselves what ought to be done,—what is due?

This argument is addressed to vague fears. Its basis is the panic of the first French Revolution and its times. But the national rights and liberties are not to be denied to the people on the ground of mere fear. This artifice of the sophist must not be suffered to prevail.

The main element of the fallacy is the notion that the people ought not to be invested with power; it is an argument addressed to the aristocracy and trade-ocracy; more power given to others, means according to their calculation, less power to themselves. The possessors of political power, regard it as something that is to be possessed by themselves to the exclusion of others, simply because they have possessed it; the question of the wherefore any should have power, and what power, and to what end, is never asked. Too much power is given to the people; by people being meant, the great mass of the nation. Why should they not have power? Why are its present possessors to hold it, to the exclusion of the rest?

To such people the question might be put as by Shylock; Have not the people hands, and heads, and intelligence, and strength? Are they not human, made of the same flesh and blood, endowed with the same passions, feelings, wants; and wherefore should not the people have power? The ready answer is, they have it not now. The vested rights of its present possessors, preclude the extension of the same rights to others. It would be a violation of the rights of property. It would be contrary to the christian maxim, that to him who hath much, more shall be given, while from him who hath nothing, even that which he hath shall be taken. It is the civil law of the strong. These arguers for their rights do not perceive the applicability of the same rule, when the people are strong enough to apply it; and that the rule will be applied, whenever the people are strong enough. Does any body suppose that the Reform Bill or Catholic Emancipation Bill was proposed or carried, except by the will of the people? Do the criers, out of too much or too little, not perceive that while they utter this cry, reason, policy, forbearance, are thrust aside by their own example, to make way for a wrestle with the possessors of power? It will be so perhaps, while the world lasts. The too much and too little, has been the outcry in every contest between prerogative and popular rights. The wisdom required, is to settle it by some criterion of the general good. Agree that

the present state of things shall be brought down to the pitch of the greatest general good ; and agreement shall be made on the other side, that it shall never be carried lower.

All Semi-liberals fail by driving a too hard bargain with the popular feeling. Had Napoleon made one step more in the liberal direction after his restoration, he might have set his enemies at defiance ; but he ran too fine, and lost the day. A spirit of liberalism that should have sent fifty thousand national guards into Vendée and General Travot into Belgium, would have been the making of him. The Bourbons, while they were new, sported liberality ; and because they disappointed people a little too rapidly, they came to their ' Three Days.' The Spanish *juste milieu* is in the act, of refusing to guide the movement they cannot check ; and their French compeers will probably be the next upon the list. There is a moderate yet stealthy pace,—a kind of Act of Parliament trot that without running over anybody gets rapidly over the ground,—which is much the safest for those that undertake to drive a hot community. A mean must be struck, between the inward loathing to the work of progress, and the certainty of being displaced from the box and driven faster, unless a decent speed be kept ;—in short, such an accommodation, as a man might be supposed to make in driving himself to the gallows tree, if he was quite sure the result of pausing would be to seat a driver who would go always at the gallop. The situation may be a painful one for a gentleman to be in ; but who can help it ? In the mean time the object of us who only want the justice done, must be to omit no effort, decline no exertion, that shall keep the unwilling culprit to the mark, and produce from him the maximum of velocity or else the abandonment of his place to those that will.

ART. XVI.—*The Influence of the Press.* Blackwood's Edinburgh Magazine. No. 226, for September, 1834.

AMONG the signs of the times is an article in the last number of Blackwood's magazine, calling for an Established Press. The analogy is evidently to an Established Church ; and those who know what one is, may know what the other is meant for. The article in Blackwood is a vehement exhortation to the possessors of property and education, to secure the ancient landmarks of conservatism by buying up the best writers and writing down democracy. The scheme wants one essential ingredient,—provision for readers. ' " Anarchy," ' Democracy,' ' Licentiousness,' ' Depravity,' ' Ignorance,' and the old phraseology

of Toryism, are employed in abundant confusion; and all good men are recommended to join heart and hand in establishing the means of defeating these horrid antagonists to good government, religion, and peace. But where is the proof, that the things called by these names, are the wrong things and not the right? Every assertion made, is like a cannon, which only requires to be pointed in a different direction, to become as formidable to the enemy as it is now to the party attacked. All the qualities ascribed to the people,—all the fears entertained of the possible abuse of power on their part,—all the licentiousness, depravity, and lawless abuse of the distinctions of *meum* and *tuum* which the writer attributes to them when they have power in their hands,—are found recorded in the experience of the past, as the results of the irresponsible possession of it by the men of birth, property, and intelligence, that have happened to have the rule. It is of all things desirable that the Conservatives should organize a press;—nobody could get on without it;—the popular party would have been leagues from their present position, if it had not been for the aid of the Conservatives' press. Let their notions of government, of religion, and virtue, be exemplified by all the instances of excellence that can be produced to illustrate the lists of the royal, the nobly born, the rich, and the powerful. Let all the palliations that can be found in their education, their inexperience of other modes of life, of the appliances of business, and the possession of boundless means of indulgence with fewer checks than others, be pleaded with all the skill that money can purchase, and the most accomplished talents supply. Let all this be done, only let Radicalism also enter into the field of conflict, and recount on the other hand the virtues and excellences, the talents and experiences, the excusable frailties, foibles, and faults, which may be registered on behalf of the abused democracy. Let the Press trumpet these on behalf of the multitudinous classes; and it matters not that a richly endowed Press herald the praises of the condemned.

Nothing can be more certain than that the country will be served by removing the scene of conflict from the Parliament to the Press. Let all the odium of crudities, and follies, and unpopular or unsound views, be removed from the Legislature; and let the Parliament, composed of the delegates of the people informed by the previous discussions of the Press, register the popular decrees. Instead, then, of tedious debates on half-understood principles, the legislature will be employed on the work of adapting the details; and even half of

this will be accomplished beforehand. The writer of Blackwood's Article, wholly loses sight of the character of the Press; he regards it as originating and enforcing opinion, instead of being 'the thundering shouts and reverberating echoes sent from hill to hill, from the multitudes assembled at the call of Roderick Dhu.' The men of the Press are only trumpeters of their respective regiments,—they serve to rouse and inflame, to incite and encourage the efforts of the people, and to make a common understanding and a common will, but they do not create, except as sympathy is created by a knowledge of another's wants and feelings, and these are answered by others of a like nature. It is true, the diminished numbers of Toryism must tremble at the power of such an instrument; and it would have been wise in its generation, to employ all the methods of corruption, to buy and bribe the services of the servants of the people; but as they no longer lead or serve an ignorant and unthinking public, the alliance would only prove the cause of a more speedy overthrow. Besides, it is not within the power of genius to serve effectually an unpopular, because unjust cause;—and the whole tribe of corruptionists have not the means to offer rewards half as large as those which the people can give.

But there are one or two great holes in the Tory plan for an 'Established Press.' As said before, the analogy is to an 'Established Church.' Now an 'Established Church' is one which men must pay for whether they like it or no. It is one which they must pay for, even though the rest of their property is in the act of being expended like water in proving the falsehood of its doctrines and the error of its practice. An Established Press therefore, is to be something of the same kind. And how can this be brought to pass, but by having possession of the government? The Tory plan therefore, is a plan for what they will do in the fortress, *when they have got it*. The getting possession of the fortress, is between them and their scheme. Their scheme therefore amounts only to an ~~announcement, that the Tories will do so and so~~ when they get possession of the government. They say they will expend the public money on Tory pamphleteers. The 'Representative' shall drink the champagne he missed of. And though they affect to be nice upon the subject now, they will undoubtedly throw certain checks and blocks in the way of their opponents in the Press. For example, does anybody suspect they will take off the taxes upon knowledge? Or does anybody suppose they will not rather lay on more? But it is all a *brutum fulmen*, till they can get possession of the government; and if they cannot

get that now, how is their chance improved by announcing what they mean to do with the Press when they have got it?

And if the Tories can turn the power of the government to the press, the Whigs or Radicals may do the same. Feeble as the Whigs are, this demonstration of the Tory designs must push them towards at least that negative operation of the government, which consists in removing burthens. The Article in Blackwood must needs act as a spur, in the sides of the half-reluctant, half-willing Lord Chancellor.

If the object was to encourage the Tories to make greater exertions through the press in their private capacities,—then the answer is, that they do as much as they can already. But there is no reason why their opponents should not take a lesson from their book, and apply themselves to giving greater union and vigour to their own operations.

Though nothing need be feared from an Established Press whether Whig or Tory, and all may be hoped from the different branches of it through mutual jealousy and recrimination working for the national cause; there is much want of co-operation and support among the Radical or People's Press. The contests of able men, the waste of power and resources, the devotion of all energies to a single class of exertion, and the jealous competition among the members of this division of the public service, are not only detrimental to its efficiency, but tend to retard and divert from those who deserve the public support, the fair reward of their labours. There is no doubt that a great deal of this is owing to the oppressive taxes on knowledge, and other legal and fiscal trammels of the Press; but a great deal of it is owing, also, to ignorance among the friends of the popular cause, of the condition of that part of the Press in its service, and of the means which everybody has it in his power to employ in its support.

Of all the positions laid down by the Tory writer, that of the importance of making the Press equal in point of reward to other professions, and raising its members to the same rank in the estimation of the world, is the most true. This is to be done by securing to it a competent reward. The point at issue between the Tory writer and good sense, is, how that reward shall be secured? And here the mind naturally reverts to all that makes other property secure, a free and untaxed trade; the property recognized and protected by law; the persons of its owners, not scouted, but equal with other subjects of the realm before the law, and their offences, in consequence, punished in the same measure; and whether the dominant party be Tory, Whig, or Radical, this is its

true interest,—which the Tory being overthrown now perceives, and the Whig will discover also in his day of trouble. Beyond full protection, the Government can give nothing that will not debase and injure. Freedom from restraint is the soul of truth as well as of trade; indeed the first is but the trade in opinion, the best of which can be found only where there is a free choice of all.

The plan which the liberal newspapers and periodicals of the day might adopt for consolidation and efficiency, and the saving of expense, and the enlarging of agency and pecuniary resources, is simply to unite in the publishing department, as well as in provincial agency, and the collection of advertisements, and requisite library of reference. The chief difficulty is the jealousy which rival publications are apt to labour under. This might be obviated by admitting but one into the Union of the same sort. Suppose a daily, or three times a week, or twice a week, a monthly, a quarterly, and an annual publication, all to be published at the same shop or office. Let each work contribute at the rate of fifty pounds for each publication in the week. Thus a daily paper would pay 300*l.* a-year, a three times a week half as much, and the rest in a similar proportion, besides a certain per-centage on the sales. The effect of such a combination would be to reduce by two-thirds the expenses of publication; but this would by no means be the whole advantage; a system of agency might be established throughout the country, such as the great booksellers have, and travellers might be employed for the keeping such agency in full activity, which would be at the service of the least as well as the greatest publication in the Union. Country papers might be induced to join, and the agency now employed by them, would at once be at the service of the whole body. The inducements to them would be, the supply of all peculiar provincial intelligence which arises in London, such as parliamentary matters of local interest, trials which take place at Westminster, and many other matters not having a general interest, but which in the provinces are of the highest value. A variety of publications being thus from whatever motive banded together, a still further advantage might be gained by all and each, by advertising each other in their respective circulations. A vast expense would be then saved in keeping in the public mind the existence of the old publications, when new ones are pushing forward. If the advertisements were specific, telling in each case the contents of the number,—anything attractive to a class or on a particular occasion, would be made generally known, and at very trifling expense. These are the principal advantages,

but there are many others incidental to such an union. Among them might be enumerated the opportunity of making contracts at the lowest rate for paper and printing, and a regular and organized system of carrying papers by the coaches, which should place them beyond the reach of the Post-office if need be, and at all events secure early deliveries where that of the Post-office would be too tardy. Through the same means a system of correspondence might be carried on with the different publications; much valuable information being now lost, owing to the expense of postage that must be incurred by the correspondent.

But perhaps one of the greatest advantages among the many that would result from such a plan, would be, that employment and sufficient recompense being found among all their publications for many accomplished literary men, each work might command a higher grade of talent, and a greater quantity of it. Besides the possession of an extensive library of reference,—from being open to the contributors of the united press, fuller and better information could be secured. Files of newspapers should be preserved, Parliamentary publications, and whatever is now commonly found to be required for what may be aptly termed constant occasional reference. Everybody who has been engaged in the active duties of the press, must at times have experienced great difficulties from the want of access to such means of reaching the fact; and in the preparation of elaborate works, on an emergency, such aids are indispensable and very rarely to be found at hand. The more numerous the members of the Union, the less would be the cost to each; or better still, the profit to the undertakers would be large. It might be undertaken as a speculation either by an individual, a small body of individuals, or a company. The profits would be derived partly from the subscription, and partly from the per-centage. A per-centage should be paid on the advertisements. The country papers might be charged less than the Metropolitan.

These details will be sufficient to give a general notion of the workability of such a plan; but there are of course many points of minor detail which it would be out of place to give here. The above conclusions have however been arrived at after an anxious watching for some years of the state and progress of the radical press; and notwithstanding the flattering notions entertained of its success by the Tory writer, there is every reason to believe that the ablest writers, in the service of the people, have met with large commendation but indifferent reward. There needed not a stronger proof, that talent and political honesty abound in that direction. How much of the difficulties which they have

of late years encountered, is to be ascribed to the treacherous faltering conduct of the Whigs, in regard to the taxes on knowledge, it were not difficult to say ; but it is in vain to hope for justice from them till it serves their turn.

The other inquiry—How can the public aid the Press,—is a difficult one. The Press would need no patronage, if the field was fairly open. The public may serve it by pressing this national object on the Legislators. Again, it is difficult to know how to bestow support. Subscriptions cannot be received, because subscribers suppose that they thereby earn a title to interfere ; and if that claim were not set up, endowment would have the same effect on literary exertion, as on schools and churches. The best way in any assumed case, would be by a subscription to the extent of the printing, which is a fixed charge, and incurred whether there be a large sale or none. If this were given in aid, the editor and writers might share the returns from the sale ; and thus have all the responsibility and excitement necessary to keep alive their energies. Any other sort of establishment must work injury.

The whole subject is a large and vital one, and of the easiest execution. Four or five might combine, and so might a hundred ; and the benefit would be in the proportion of the numbers. A starting is needed ;—then more and more, out of a sense of the profitableness of such a Union, would hasten to join it. Let it not be for ever said, that whatever is Radical is impracticable ; that though Tory and Whig can unite to defeat their enemies and mar the country's good, Radicals who boast of more wisdom and patriotism, are powerless, because they are not only self-willed but self-sufficient. It is the test of the Radical's fitness,—that is, whether he can or cannot serve his country with advantage,—that he is able to appreciate good, and to concur with heart and soul in all righteous means to carry it into effect. Let the press, and those who affect to value its services, be among the first to show in their doings the reasonable practicableness of what they teach.

In the proceedings of all governments up to the present moment, the numerous classes must have clearly perceived one thing ; *that there were great secrets to keep from them.* They cannot have a reasonable doubt, that in these secrets lay all the knowledge of their misery and of its origin ;—that the key to the whole, was in what the upper classes and the legislators were so anxious to prevent from coming within their reach. The inference was in fact as unavoidable, as the inference in the minds of the negro slaves in Carolina, if they infer at all. For what imaginable object, can the means of knowledge be kept from

certain classes of men, but to place and retain them in bondage to some others? Does any negro in Carolina, think it is done to save his soul? The people of England seem intended to be persuaded so; for the interests of religion seldom fail to appear among the reasons for prohibition. Is there a plainer inference from the world's whole history, than that when men are hoodwinked, it is with intent to do them wrong? The baffled Tories speak smooth words now, and sit like the tiger in Oriental story, who presented himself in a row of penitents bearing a blade of holy grass in his claws; but the community cannot avoid recollecting, that they were the spring and origin of those restrictions on the daily bread of knowledge, which it remains to be seen whether the Half-liberals in possession of the government will have the policy to do away.

6

ERRATA.—In No. XXXVII for July 1833, page 246, line 1 of

“ Note, for prefect read perfect.

In No. XLI for July 1834, p. 163, line 36, for rises read falls. .

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INDEX TO VOLUME XXI.

A.

- ACT* for the regulation of the Proceedings and Practice of certain Officers of the High Court of Chancery in England, 3 & 4 Wm. IV. 102.
- Aide-Tui Society* (Proposals for). In the Spectator Newspaper, of 12th, 19th, 26th April 1834. 185.
- Arabic MSS. in Spain*, 278.—great antiquity of public libraries in Spain, *ib.*—Al Hakem the great founder of Literature in Spain, 379—various literary characters employed by him in the promotion of Literature, 380—account of the Library of Meiwān collected by him, 381—the first founder of a public Library, *ib.*—succeeded by the establishment of other libraries in Spain, *ib.*—character of Alphonso X. 382—enumeration of his works, *ib.*—of the works of the Infante Don Manuel, 383—description of a curious Arabic book, met with by the Editor at Cairo, *ib.*—Peter IV. of Arragon, and James the Conqueror contributors to the Literature of Spain, 384—progress of knowledge greatly facilitated by Isabella of Spain, 384—Library of the Escorial founded by Philip II. 385—description of it, 386, *et seqq.*—Public Library in Madrid, founded by Philip V. 392—account of it, *ib. et seqq.*—private Library of his Majesty, 393—Library of the Jesuits, *ib.*—other Libraries, and general character of their visitors, 394.
- Aristocratic Taxation*, 140—government of the country by an Aristocracy from the Norman Conquest to the present time, 141—its effects on our system of taxation, *ib.*—Custom duties specific, and thereby rendered favourable to the rich, and extravagantly heavy on the poor, *ib.*—instanced in the article of Tobacco, *ib.*—Sugar, 142—Soap, *ib. et seq.*—in the Excise duty on glass, 143—Timber, 144—Wines, 145—Foreign and Colonial Spirits, *ib.*—in what cases a specific duty may not be fraudulent on the numerous classes, 146—remarks on a former system of duties by the American government as compared with a more recent one by it, *ib. et seq.*—on the new system of Tea duties by our own government, 147—its operation explained, and scandalous result in favour of the rich, 148—American scale of Tea duties, 149—consequence of Mr. Vansittart's augmentation of the Tea duties from 96 to 100 per cent, 149—inconsistent conduct of the whigs in their new scheme of Tea duties, *ib.*—selfish scheme of the Tea dealers and Brokers of London explained, 150—in what case the *ad valorem* duty more convenient than the rated, 150—what articles should be altogether free from duty, and in what the duty should be reduced, *ib. et seqq.*—remarks on the legal consumption of Geneva and Brandy, 153 *et seq.*—loss sustained by the revenue in consequence of the high duty on Brandy as estimated by the Commissioners Messrs. Villiers and Bowring, 154—impolicy of continuing the Excise duties and Establishment, *ib.*—the Direct Taxes considered, 155—Land Tax, its origin and growth, *ib. et seq.*—the House Tax, 157—its scale of rates in favour of the rich, the rate being the same for a 40*l.* rent as for a 1,500*l.* rent, 158—instances of partiality in the assessments of rent in favour of the aristocracy, 159—assessment and House-tax of twelve taverns in town and country, 160—exemptions in the country in favour of the aristocracy, 161—Window-tax, 162—its mode of assessment, 163 *et seqq.*—Stamps, 167—its mode of rating in favour of the aristocracy and the higher properties, 168—legacy duty, 169—its difference under administration with a will and without a will, *ib.*—gross partiality in favour of the aristocracy, by the exemption of Real estates from probate and legacy duty

ib.—Taxes on Knowledge, 171—Post-office and its management *ib. et seqq.*—Newspaper Stamps, 174—tax on Advertisements, 175—duties on Paper, *ib.*—Monopolies, *ib. et seqq.*—Corn monopoly, 176—Church monopoly 177 *et seqq.*—estimate of cost to the country of the different monopolies, 179—general and concluding remarks on the whole, 180 *et seqq.*

B.

Bank of the United States, 273—circulating medium of the first British settlers in Virginia, 275—price of wheat in 1620, *ib.*—first paper money issued at Massachusetts in 1690, *ib.*—its depreciation in 1749, 276—account of the paper currency in Pennsylvania, *ib.*—Massachusetts, the first colony that issued paper money, the first to get rid of it, *ib.*—account of the continental money of the Revolution, 277—establishment of the Bank of North America, 278—the Old United States Bank chartered by Congress, *ib.*—account of the Farmers Exchange Bank, 279—numerous Banking Companies incorporated on the breaking out of the war in 1812, *ib.*—establishment of a National Bank proposed, *ib.*—rejected, 280—United States Bank incorporated in 1816, 282—its necessity and purpose, 283—amount of its capital, 284—its proceedings, *ib. et seqq.*—great fall in the price of its stock, 285—its president decamps, *ib.*—Mr. Cheves appointed in his place, *ib.*—state of the Bank greatly improved by him, 286—great increase in the discounts and loans of the Bank from 1831 to 1832, 287—objection of the President general Jackson, to rechartering the Bank *ib.*—struggle between the Bank and general Jackson, *ib. et seqq.*—new charter granted by the two Houses, and rejected by the *veto* of the President, 288—the Government deposits ordered by the President to be withdrawn from the Bank, *ib.*—refusal of the Secretary of the Treasury to comply, *ib.*—the Secretary dismissed, and the order carried into execution, *ib.*—the right of the President to withdraw the deposits disputed, 289—the Bank resists the investigation of its affairs by a Committee appointed by the House of Representatives, *ib.*—great public distress occasioned by the differences between the President and the Bank, *ib.*—frequency of panics in the United States accounted for, 290—current and real value of the gold eagle, 291—current value of French five-franc pieces, *ib.*—small probability of establishing a sound currency in the United States, *ib.*—Mr. Gallatin's suggestions for the obtaining one, *ib. et seqq.*—substance of the Safety fund Act, 292—general remarks on the Financial condition of the United States, *ib. et seqq.*

Bentham's Deontology, 1—new modes of oppression, and gradual growth of resistance to it, 2—social order, what to be considered such, 3—assumed right of interpreting revelation abused, 4—the abuse resisted on the principles of Deontology, *ib.*—definition of the word Deontology and its basis as a science *ib. et seqq.*—its principles considered, 5 *et seqq.*—remarks on motives termed selfish, 6—what those of benevolence, *ib. et seqq.*—principle of the greater good or “greatest happiness” to be found in the sacrifice of selfish to social interests, 8 *et seqq.*—why honesty the best policy, 9 *et seqq.*—the rule of justice, 11—comprehensiveness of the Greatest Happiness principle, *ib. et seqq.*—true liberty, what, 14—ironical definitions of Patriotism and Loyalty, *ib.*—what the retaliation of the people would be on their oppressors in the richer classes, 15—progress of the Greatest Happiness Principle between nations, 16—the word “international” invented by Bentham, *ib.*—great increase of power by the spread of Knowledge among the people, 17.

Bill to establish a Registry of all Births, Marriages and Deaths in England and Wales, 214.

Bordwine's New System of Fortification, 480—insulation and new conformation of the bastion, 481—aversion to improvements in *legitimate* establishments, *ib.*—advantage of vertical fire, 482—advantage in the use of Rockets, *ib.*—importance of Irregular Fortification, 484—theory of *défilement*, *ib. et seqq.*

British Aide-Voi Society, 185—necessity of looking about for an efficient substitute for the insufficiency of the present Whig government, 186—best means of

forming one, *ib.*—necessity of a more strict control by the people of their representatives, *ib.*—what the appropriate machinery, 187—*et seqq.*—extracts of Proposals for an Aide-Toi Society as published in the Spectator Newspaper, 192 *et seqq.*

C.

Cab and Omnibus Nuisance, 395—the objections to Cabs and Omnibuses aristocratic, *ib.* *et seq.*—instances in favour of the conduct of the drivers, 397—improvement in Cabs suggested, *ib.*—remarks, on the suggestion of certain other improvements by the Legislature, *ib.* *et seq.*

Catilinarian Conspiracy, objects of the, 89—the reputation of the Patrician virtues of antiquity to be suspected, 90—grounds on which the suspicion should rest *ib.* *et seq.*—the conspiracy of Catiline as represented by Sallust and Cicero, an instance, 91—different representations in modern times of the same transaction by Tory writers, and those more inclined to think well of the people, 92—internal condition of the Roman empire at the period of the conspiracy described, *ib.* *et seq.*—prejudice excited against Catiline by the writings of Sallust and Cicero, 95—the effect of party spirit, and especially that of ancient Toryism, to be taken into the account in forming a right estimate of their truth, 96—brief notice of Sallust and the reasons which must have influenced him in his account of the affair, *ib.* *et seq.*—character of Catiline by Sallust, 97—proceedings of the conspirators stated, with remarks on the many improbabilities and inconsistencies of the two accounts as given by Sallust and Cicero, 98 *et seqq.*—the reasoning of Vertot on the subject, 101—concluding inference, 102.

Chancery Court, remarks on Lord Brougham's reform of the, 104.

Chinese Empire and Trade, 221—great extent and population of the empire, 222—rate of increase in the population from 1762 to 1831, *ib.*—condition of the people in Chaou-chaw-soo, 223—rice the chief support of the people, *ib.* *et seqq.*—account of the country and people of Keang-nan, 224 *et seqq.*—of the country and people on the borders of the river Pri-ho, 225—of the people and their dwellings in the village of Ta-koo, 226—countenance and character of the people in the district of Teen-tsin, *ib.* *et seqq.*—intense coldness of the winter in the northern provinces of China, even in low latitudes, 227—emigration in China, 228—*et seqq.*—character of the government 230—probable date of the Civilization of China, 231—foreign trade, *ib.*—character of their literature, *ib.*—their character as agriculturists, merchants, and manufacturers, *ib.*—their priority in the arts of paper-making and printing, *ib.*—modes of punishment, 232—the various species of rod the general instrument of correction in the East, *ib.* *et seqq.*—mode of administering it, 233—corruption of the Chinese officers, *ib.* *et seqq.*—contraband trade in opium, *ib.*—value of the export and import trade of Europe with China, *ib.* *et seqq.*—salaries of the higher officers in China, 234 *et seqq.*—responsibility of the emperor for public calamities, 235—general principle of the rulers in China, *ib.*—character of the Chinese army, 236—its fortresses, *ib.*—power of the government over the people, how accounted for, 237—the three forms of worship in China, 238—character of Chinese religion, 239—prevalence of Buddhism in China, 240—account of the temples erected for the worship of Buddha in a Chinese island, 240 *et seqq.*—no state Religion in China, 242—Commerce of China, 244—native trade, *ib.*—account of the Chinese vessels, *ib.*—character of the mariners, 245 *et seqq.*—coast of China from the eastern border of Tonquin to the frontier of Che-keang, described, 247 *et seqq.*—brief account of Amoy, 248—of the city of Fuh-chow, 249 *et seqq.*—of Ning-po, 251—Chang-hue, *ib.* *et seqq.*—Cha-poo, 253—remarks on the European Commerce with China, 253—political apprehensions of the Government of China the only bar to an extension of it, 254—the Chinese expert smugglers, 255—probable extension of a contraband trade with China, *ib.* *et seqq.*

Church Establishments, 372—consequences of inquiry into their abuses, *ib.*—its results last Session in the introduction of certain reform bills, 373—inconsistency of an established church and a dissenting parliament, *ib.*—what the best policy of the Church, *ib.* *et seqq.*—question concerning the nature of Church property

considered, 375—and concerning its compensation, 376—objections to an Establishment, 377.

Church Monopoly, 62—apprehensions of Reform by the friends of Church and State, *ib.*—extensive spread of Methodism and other branches of dissent an argument against the necessity of Church Establishments, 63—enormous revenue of the Established Church of England, *ib.*—the customs of the primitive ages of the world no warrant for the practice of them now, *ib. et seq.*—the Jewish institution of tithes warranted and reasonable on the ground of proportion which the Levites bore to the whole of the Jewish population; the imposition of tithes in the present day unwarrantable and unjust, because the number of the Priesthood bears no proportion to that of the general population which can warrant any such demand, 64—argument that the Church is supported by its own possessions too weak to be maintained, as it must bring into question the justice of its own title, 65—the demand of Church-rates from those who dissent from its doctrine not justified on any ground of reason, 66 *et seq.*—assertion that the causes of dissent have been not scruples but circumstances, answered, 68 *et seq.*—advantages of the compulsory over the voluntary system of religion combated with a view to the state of religion in America, 70 *et seqq.*—free admission of all religious sects to the Lord's Supper in America, 74—anecdote of General Washington, *ib.* the clergy of the church of England hyperbolically eulogized by a writer in the *Quarterly Review*, 75—the religious wants of the people better provided for in America, than in England by the established church, 76—great advantages to arise from the gradual abolition of the connexion between Church and State, 77.

Criminal Law Reform, 353—different stages of the criminal's progress enumerated, 354—1. Thief-Catching. The police not efficient in every part of the country, 354—consequent resort of thieves to where it is weakest, *ib.*—cause of this state of the police, *ib. et seq.*—2. Examination before the Magistrate, 355—defects in taking the depositions, *ib.*—the party charged not heard on oath, 356—necessity of extending the power of the magistrates and increasing their responsibility, *ib.*—the best lawyer not the best poor man's judge, 358—observations respecting the necessary qualifications for a magistrate, *ib.*—3. The Grand Jury, 359—unnecessary if the Magisterial office were properly administered, *ib.*—the business of Grand Juries generally performed by a few active minds among a number unqualified, *ib.*—their use in the early periods probably warranted, *ib.*—appointment of a public prosecutor recommended, *ib.*—remarks on Quarter Sessions, 360 *et seq.*—4. The Trial, 362—what an indictment is, and what it should be, *ib.*—what the proceedings of the Counsel should be, *ib.*—all prisoners should have Counsel, and no acquittal be allowed on quibbles or technicalities, *ib.*—full time should be given for the trial, 363—what the proceedings of the Judge should be, *ib.*—necessity for an efficient Court of Appeal in criminal cases, 364—for a permanent Court of Criminal Jurisdiction, 365—remarks on the amended scheme of Metropolitan jurisdiction, *ib. et seq.*—Assizes in the other parts of the country should be held more frequently 366—remarks on the Appeal to the Crown, *ib. et seq.*—a more extended reform in Criminal Law proceedings called for, 367—prosecutors should not be charged with the cost of prosecution, 368—results of the Scotch form of Action, 369—trouble, inconvenience, and loss, thrown on the prosecutor, 370—an election of jurors suggested, *ib.*—reform always deficient under the Whig ministry, 371.

D.

Dal Pozzo's Happiness of Italy, 118—the satire of the author mistaken for panegyric, 119—extracts; the author's provision against it, *ib.*—quotations of irony respecting the happiness of the Italians under the Austrian government, 120—propensity of the Italians to political dissension derivable from the shape of the country, 121 *et seqq.*—legitimacy of the Austrian government with respect to the Italian provinces, 123—reasoning of the author for love and obedience to it on the part of the Italians, 123—union with Austria the interest of the Italians as asserted by the author, 125—speculations of Austria's exchanging her Italian provinces for Turkish territory, 126—Modest notions recommended to

- the Italian Liberals by the Author, 127 *et seq.*—sophistry of confounding Germany with Austria in regard to Italy, 128—the Emperor Francis contrasted with former Austrian sovereigns, *ib. et seq.*—punishments for school boys under Joseph II. 129 *et seq.*—Liberal thoughts and institutions of Joseph II. 130 *et seq.*—author's opinions respecting the Austrian Police, 132—Lombard Constitution, 133—Characteristics of the Austrian government, 184 *et seq.*—author's appeal from them to the people against expelling it from Italy, 135—facts in favour of the government adduced by the author, from its treatment of Silvio Pellico, 137 *et seq.*—extracts from the author's parting address to his countrymen, 139 *et seq.*
- Della Felicità che gl' Italiani possono e debbono dal Governo Austriaco procacciarsi, &c. &c. &c.* 118.
- Deontology ; or, The Science of Morality :* in which the Harmony and Coincidence of Duty and Self-Interest, Virtue, and Felicity, Prudence and Benevolence, are explained and exemplified. From the MSS. of Jeremy Bentham. Arranged and Edited by John Bowring, 1—and See *Bentham's Deontology.*
- Diamond District of Brazil,* 297—difficulty of access to it, 298—period of the discovery of the Diamond Mines of Brazil, *ib.*—the Diamonds declared royal property, 299—Lord Tyrawley's account of the manner in which the precious stones of Brazil were formerly distributed through Europe, *ib. et seq.*—severe regulations of the Portuguese Government respecting the mines, 301—their administration in 1817, *ib. et seq.*—condition of the labouring negroes, *ib. et seqq.*—amount of the military force employed at the mines, 305—precautions and punishments against thieving and smuggling, *ib.*—dexterity of the negroes in secreting and disposing of Diamonds, 306 *et seqq.*—description of a temporary village in the vicinity of the mines, 308—moral effects of speculation in the gold and diamond mines, *ib.*—village of Chapada described, 309—brief account of Tijuco and its productions, *ib. et seq.*—American antiquities, 311—forest scenery, *ib. et seq.*—great ignorance in the inhabitants of Rio Janeiro, 312—hermits of the Serra da Piedade, 313—the hysterical case of a woman called Sister Germaine, made the means of imposture, 314 *et seqq.*—character of the Brazilians, 317—of the Portuguese merchants in Brazil, 318.
- Diplomatic Secrecy,* 484, present character of Diplomacy, *ib. et seq.*—M. Bignon's description of it, 486—Mr. Justice Storey's defence of diplomatic secrecy, *ib.*—advantages of publicity, 487—advocated by Leibnitz, 488—account of Machiavel as a diplomatist, 489—extracts from a letter by Machiavel, 490 *et seq.*—his countenancing Borgia's murder of the Italian Princes brought into the consideration of his character, 493—his advice to ambassadors, 494.
- Disertacion historica sobre los Archivos de España y su antigüedad, con algunas reglas para su coordinacion, &c. &c. &c.* by Don Francisco de Porras Huidobro, 378.—See *Arabic MSS. in Spain.*
- Dorsetshire Labourers,* 52—their case as stated in the Morning Chronicle, 53—their real and legal crime not the same, *ib.*—inquiries into the state of the law in regard to the offence committed by them, 54 *et seqq.*—inference drawn as respecting Trades' Unions, 59—punishment of the Dorsetshire Labourers not warranted by the Acts under which they were tried, *ib.*—general conduct of the present whig administration not accordant with reform principles, 61
- English Grammars ;* by the Rev. J. Russell, D.D. &c. 334.
- Excise Duties,* amount calculated for the united kingdom, 154.
- Female prisoner Servants,* in Van Diemen's Land, difficulty of managing them, and reasons for it, 59.
- Finance Account of the United Kingdom, for the year 1833,* ended the 5th of January 1834, 140.

Forbes, Duncan, notices of his character and conduct as President of the Court of Session in Scotland, 83 *et seqq.*

Fraser, John, provost of Inverness, anecdote of, 85.

G.

General Registration of Deeds, indifference of the Government respecting the bill for, 111.

General Jackson and the Bank of the United States, 273.—See *Bank of the United States*.

Germaine, Sister, account of her malady, and the use made of it as a means of imposing on the credulity of the people, 314.

H

Hawley, general, instances of insolence and rapacity in the conduct of him and other officers under the duke of Cumberland, in Scotland, 85 *et seqq.*

Hints relating to Emigrants and Emigration, embracing observations and facts intended to display the real advantages of New South Wales; by the rev. Henry Carmichael, A. M. &c. &c. 441.

Historical and Statistical Account of New South Wales, both as a penal settlement, and as a British Colony; by John Dunmore Lang, D.D. &c. &c. 441.

History of the Revolution in 1688, 399—character and description of the work, *ib. et seqq.*—evidence of the cruelties of Kirke and Jeffreys being sanctioned by the king, 402 *et seqq.*—Letter from Jeffreys to James, respecting the transportation of certain rebels, 404—Jeffreys, although obedient to the king in all kinds of judicial cruelty, refuses to comply with his wish to make him a Roman Catholic, 405—other instances of opposition to that proposal, *ib. et seqq.*—the king opposed in his scheme to abolish the Test and Penal Laws, 407—proceedings of the king in consequence of it, *ib. et seqq.*—embarrassments of the Church in consequence of the order to read the king's Declaration of Indulgence, 409 *et seqq.*—its proceedings inconsistent with its former assertions and conduct, 411, *et seqq.*—remarks on the case of the bishops who were sent to the Tower, 412—proceedings of the Church with the Dissenters, 413—considerations respecting the extent of James's views in the advancement of Catholicism, 414 *et seqq.*—quotation from "A Hind let loose" asserting the cruelties of James in Scotland, 418—his grant of toleration there, 420—proceedings against the bishops said not to have been tyrannical though oppressive, 422—his means of accomplishing his purposes, *ib.*—sketch of the character of William, 423 *et seqq.*—remarks on the conduct of some of the chief actors in the Revolution, 425 *et seqq.*—state policy of the present times still tainted with the corruptions of that period, 427.

Hobart Town Monthly Magazine, Nos. I. and II. 18—Extracts, rapid rise and improvement of the colony and country of Van Diemen's Land, 18—instance of brutality in a Stock-keeper towards a native, 21—cause of aggression on the part of the natives towards the colonists, *ib.*—capital punishment no example in terrorism to surviving offenders, 43—difficulty in the management of female convicts, 50.

I

Improvements of the Metropolis, 195—their commencement in the formation of Regent Street, *ib. et seq.*—how the future improvements should be resolved on and conducted, 196 *et seqq.*—probable rise in the value of houses in the metropolis in consequence of rail roads, 199—extension of the Old Hungerford Market, *ib.*—opposition of the Wherrymen to the establishment of a Greenwich Steam boat for the conveyance of passengers, *ib.*—attention to the wants of the poor the best basis of legislation, 203—various general heads of improvement suggested, *ib. et seq.*—remarks on the hitherto bad management of improvements and their frequent causes of failure, 203.

Incorrigibility, instances of, in some of the convicts at Van Diemen's Land, 37 *et seqq.*

Influence of the Press, 498—a Tory press auxiliary to the popular party, 499—the battle of parties better fought by the Press than the Parliament, *ib.*—Tory plan for an Established Press assimilated with an Established Church, 500—union in the Liberal Press recommended, 502—suggestions as to the best way in which the public aid might be afforded, 504—motive for withholding knowledge from the people, *ib. et seqq.*

J.

Jacobite Memoirs of the Rebellion of 1745, Edited from the Manuscripts of the late Right Rev. John Forbes, A. M. Bishop of the Scottish Episcopal Church; by Robert Chambers, &c. reviewed, 78—account of the manner in which the author collected his materials, *ib.*—editor's account of the state in which he found them, *ib. et seqq.*—remarks on the idolatry of the author, 79 *et seqq.*—sketch of the state of Scotland in 1745—effects of the arrival of the Pretender in Scotland, 80 *et seqq.*—great power of the earl of Islay, 82—how used by Walpole, *ib.*—political conduct of Duncan Forbes president of the Court of Session 83, *et seqq.*—anecdote respecting him and the duke of Cumberland, 84 *et seqq.*—instances of the insolence and rapacity of general Hawley and other military officers under the duke of Cumberland in Scotland 85, *et seqq.*—conduct of Lord George Murray, Charles's commander in chief opposed to it, 88—ingenuity of prince Charles in repairing broken tobacco pipes, 89.

Journal of Three Voyages along the Coast of China, in 1831, 1832, and 1833, with notices of Siam, Corea, and the Loo-choo Islands; by Charles Gutzlaff, 221—Extracts; character and condition of the natives, in the district of Chaou-chow-foo, 223—in the neighbourhood of Tuh-chow, *ib.*—of Keang-nan, 224—of the banks of the Pei-ho, 225 *et seqq.*—of the district of Teen-tsin, 226—extraordinary coldness of the winter in the northern provinces of China, even in low latitudes, 227—emigrations in China, 228, *et seqq.*—the rod the chief instrument of punishment in China, 232—salaries of officers, 234—character of the government of China, 235—condition of the military force, 236—character of the military, 237—of Chinese religion, 238 *et seqq.*—trade with Siam, 244—character of the Chinese mariners, 245 *et seqq.*—description of Fuh-Chow, 249 *et seqq.*—of Ning-po, 251—Shang-hai, 252—Cha-poo, 253—kindness of the Chinese to strangers, evinced in their treatment of the author, 254 *et seqq.*—mercantile transactions at Teen-tsin, 255.

K

Keang-nan, brief account of, and its inhabitants, 224 *et seqq.*

L

Law Patronage, 102—brief remarks on the Law Commissioners of inquiry at various times appointed, *ib. et seqq.*—trifling and dilatory results in Parliament, 104—remarks on Lord Brougham's reform of the Chancery court, *ib. et seqq.*—need of a summary proceeding for recovery of legacies, and compelling executors to pass accounts, 105—observations on the new Bankruptcy project, 106, *et seqq.*—symptoms of failure in the scheme of Official Assignees, 108—expenses of country commissionerships doubled by lord Eldon, and the appointments made patronage by lord Brougham, 107 *et seqq.*—character of the Law Amendment Act, 109—remarks on the bills arising out of the 'Real Property Commissioners,' 110—Fines and Recoveries Act, *ib.*—indifference of the Government respecting the Bill for a General Registration of Deeds, 111—what likely to obtain for it the Government support, *ib.*—result of the 'Assize Removal Bill,' *ib.*—conduct of the Government in regard to the 'Imprisonment for debt Bill,' *ib.*—to the 'Municipal Corporations Bill,' 112 *et seqq.*—general remarks on Law Patronage, 113 *et seqq.*

Lesson for the Whigs from Spain, 476—extracts from the speech of Señor Trueba on the subject of Political Rights, *ib.*—on the forms and principles of Government, *ib.*—civil liberty essential as the basis of a Representative government, 477—

freedom of the Press necessary as a principle notwithstanding its possible abuses, *ib.*—remarks on Government decrees, 478—on the fallacy of ‘slow and sure,’ *ib.*—reference of the Speaker’s arguments to the condition of Spain, 479—the proceedings in Spain an example to England, *ib.*

Local Registration, 214—Lord Althorp’s answer to a question whether Ministers would carry into effect the recommendations of the Committee on the subject of Parochial Registration, 215—remarks on Mr. Brougham’s bill, *ib.*—Mr. Taylor’s statement respecting parochial registration, *ib. et seq.*—his view of the duties of a proper officer for registration, 217—supported by the evidence of Dr. Bowring respecting the French system of registration, and by that of M. Adolphe Quételet on the Belgian, 218—present cost of the machinery of registration considered, 219—the progress of reform impeded by the obstinate reluctance to depart from old institutions, *ib.*—improvements suggested, *ib. et seqq.*

M

Mackintosh, Sir J. his History of the Revolution in 1688, 399—Extracts; views of the writer of the continuation not always in accordance with those of Sir James Mackintosh, 400—bestowal of convicts on certain courtiers by desire of king James—opposed by a remonstrance from Jeffreys, and evidence of the king’s sanction to all the atrocities of Jeffreys, 402, *et seq.*—letter from Jeffreys to the king, on the subject of the convicts, 404—instances of the king’s failure at conversion, 405—Dissenters avail themselves of the king’s declaration, 408—meeting of the Church respecting it, 409 *et seqq.*—extent of the king’s designs in introducing the Roman Catholic religion, 414 *et seqq.*

Minutal of the Law with regard to public meetings and political societies; by Thomas James Arnold, Esq., 52.

Memoir of a Proposed New System of Permanent Fortification; by Joseph Bordwine, professor of Fortification, &c. &c. &c. 480.

N

New British Province of Australia, or a Description of the Country, illustrated by Charts and Views; with an Account of the Principles, Objects, Plan, and Prospects of the Colony, 441.

New South Australian Colony, 441—outlines of the plan, *ib. et seq.*—remarks on it, 442 *et seq.*—its principle badly illustrated by the mode of transplanting full grown trees, by Sir Henry Stuart, 444—cases of the rapid prosperity of newly-settled colonies, 445—object of this new plan to throw obstacles in the way of them, *ib. et seq.*—example of the effects of superabundant labour, 446—advantages of emigration under the new plan disputed, 448—of adjusting the proportion of land to labour and capital, 450—the price of land in the new Colony too highly rated, 451—said to be warranted by the application of its proceeds, *ib.*—calculations as to what extent the scheme can be successful, *ib. et seqq.*—concentration a main principle in it, 456—state of irrigation in Australia considered, 457 *et seqq.*—the notion that Australia is more fitted for pasture than agriculture, combatted by the projectors, 459—current prices of corn and cattle in America and Australia, 461—the scheme of concentration considered, 462 *et seqq.*—failure of the Swan River Colony adduced in favour of the concentration principle, 465—opposed by a statement of the real causes of its failure, *ib. et seq.*—effects of convict labour considered, 466 *et seq.*—of slave labour, 467 *et seq.*—observations on the commodities upon which labour is to be employed in the colony, 470 *et seq.*—on the locality of the colony, 471 *et seq.*—on its advantages and disadvantages for colonization compared with America, 473—fallacies of the plan enumerated, 475.

Ning-po, brief account of, 251.

Nottingham Castle, its small contribution to the revenue, an instance of partial taxation in favour of the Aristocracy, 160.

Out-post Cavalry, 205—cavalry the favourite arm of the Aristocracy, *ib.*—who the knights-errant of former days, 295—character of the cavalry force of the present day, *ib.*—Marshal Saxe's test of a line cavalry's efficiency, 206—way to procure to infantry the assistance of light cavalry for out-post service with one-sixth of the ordinary number of horses, 207 *et seq.*—proceedings adopted in the case of alarm, 209—directions for the foundation of a regular corps, to be called 'Voltigeurs,' 210—its effect on the composition of a cavalry of the line, *ib.*

Parliaments of our Ancestors, 319—successive parliamentary meetings not in accordance with ancient precedent, *ib.*—spirit of legislation in the times of Edward I., *ib.*—inconvenience resulting from the inadequate dimensions of St. Stephen's Chapel as a place of assembly for members of Parliament of the present day, 320—instances of contrast between the ancient and modern parliaments, 321—jealousy of the archbishops created by bearing the crosier through the archbishopric of his rival, *ib.*—parliaments not confined to one place, 322—attendance in parliament evaded by all kinds of excuse, *ib.*—that of the barons often attended with warlike preparations, 323—instances of excuse on the part of the clergy, *ib.* *et seq.*—qualification of a knight of the shire in the thirteenth century, 324—wages of knights and burgesses, 325—specimens of Sheriffs' returns to writs, *ib.*—representatives entertained during the sittings of parliament at the king's expense, 327—character of parliamentary debates in those days, 328—brief account of the parliament in the 11th year of the reign of Richard II., 329—period of the fixed locality of parliamentary meetings, *ib.*—St. Stephen's chapel granted by Edward VI. for that purpose, *ib.*—the Lords at that time become a distinct branch of the legislature, *ib.*—number of parliaments and the places where held during the reigns of Edward I. and II., 330—number and duration of the parliaments in the reign of Henry VIII., Edward VI., Mary, Elizabeth, James I., Charles I., Charles II., James II., William III., and Anne, 332—a parliament of a year's duration a long one in 1606, 333—want of room for the members a complaint in the reign of James I., *ib.*

Penal Settlement on Tasman's Peninsula, Van Diemen's Land, standing regulations of the, 44 *et seq.*

S

Sallustii Crispi de Catilinae Conjuratiōe deque Bello Jugurthino Libri. Cod. scriptis simul impressisque quadraginta amplius collatis, recensuit, atque annotationibus illustravit Henricus, E. Allen; 89

Second Session of the Reformed House, 427—its character, *ib.* *et seq.*—necessity of urging ministers although but little be effected by it, 429—much good to be obtained by a skilful arrangement of the business of the house, *ib.*—legislation preceded by Committees of Inquiry a valuable improvement, *ib.*—endeavours of the landed interest unintermitting to acquire a prevailing influence in the house, 430 *et seq.*—necessity for electors to be on the alert to check them, 431—objections to the removal of the house-tax, in preference to the adoption of a property-tax, 432.—observations on the reduction of the four per cents, 432—omissions of the Government in the business of the Sessions, *ib.*—remarks on the discussion of the Repeal Question, 434 *et seqq.*—causes of the backwardness of Irish Reform, 436—much bustle and little business in the last Session, 437 *et seqq.*

Short History of Paper-Money and Banking in the United States; by William M. Gouge, 273—character of the work, 274.

Speech of Lord Brougham to the Burgesses of Inverness.—Edinburgh Paper, Sept. 1834, 495.

Statutes at large 5th Geo. iv. c. 95. An Act to Repeal the laws relative to

Combination of Workmen, and for other purposes. A. D. 1824. 6 Geo. IV. c. 129. An Act to repeal the laws relating to the Combination of Workmen, and to make other provisions in lieu thereof, A. D. 1825, 52.

Suggestions for the Architectural Improvement of the Western part of London; by Sydney Smirke, F. S. A. 195.

ΣΤΝΕΙΣΦΟΡΑΙ ΕΝΘΕ ΣΤΡΑΤΙΩΤΙΚΟΤ. Φυλλάδιον Α'. 204—See *Out-post Cavalry*.

..... Φυλλάδιον Β. 211—extracts, contents of the book, 213—See *Telegraphers, horse and foot, for Field Service*.

Q

Quarterly Review, No. CI; Article on Dr. Adam Clarke, 62.

R

Report from the Select Committee on Parochial Registration, 214—Extract, statements and suggestions of Mr. Taylor on the subject, 215 *et seq.*

..... First, on the Commercial Relations between France and Great Britain, &c., &c., by George Villiers, and John Bowring, with a Supplementary Report, by John Bowring, 257—commendations on the Mission, *ib.*—brief character of the Commissioners, *ib.*—Extract; origin and object of their Commission, 258 *et seq.*—Baron Louis's, first written communication with them, 259—aid of the vice president of the Board of Trade in procuring the appointment of French Commissioners, 261—his letter of instructions to the British Commissioners, *ib.*—difficulty of the undertaking, 264 *et seq.*—remarks on the prohibition by France of certain articles of Foreign trade, 265.

..... of the Union Committee (United States), 273—its character, 274—Extracts; on the extension of credit in the United States, 290—Mr. Gallatin's remedies for the cure of the diseased currency in the State of New York, 291, *et seq.*

Rotuli Litterarum Clausarum in Turri Londinensi asservati—Accurante Thoma. D. Hardy; 319.

T.

Tea Duties, remarks on the new system of, 147

Telegraphers, horse and foot for Field Service, 211—system of Naval signals, when established, 212—evidence of visual signals in the field by Xenophon and Cæsar, *ib.*—definition of the military word "Staff," 213 *et seq.*—greek titles of Staff Officers, 214.

Tijuco, the capital of the Diamond District in Brazil, account of, 309.

Tithe, reason why unwarrantable in the present day, 64.

V

Vagaries of the Schoolmaster 495—remarks on the 'Slow and Sure' maxim of Lord Brougham, *ib. et seq.*—on his notions of too much and too little, *ib. et seq.*

Variations, of the English Tongue, 334—its present extension in various quarters of the world, *ib. et seq.*—mistaken notions among the Scotch and Irish of the English language, 335—its composition, 336—its basis Saxon, 337—the French, brought over by the Conqueror, the language of the upper classes, law pleadings and statistics, *ib.*—Latin school lessons always translated into French until the reign of Edw. III. *ib.*—the custom in schools of turning French into English introduced by Sir John Cornuayl, *ib.*—the use of the French language discontinued in the ninth year of the reign of Rich. II. *ib.*—the sciences taught in Latin in the 12th and 13th centuries, *ib.*—French and Latin words mingled with the Saxon, but no dialects of the French and Latin, 338—specimens of vulgarisms manufactured from the French, *ib.*—from the Latin, *ib.*—remarks on the selection of words by Dr. Johnson in his Dictionary, *ib. et seqq.*—the rejections of Johnson.

resumed by Todd in a great degree, in his edition of him, 339—upwards of 13,000 words of common use in England said not to appear in any dictionary, *ib.*—style of Dr. Johnson and of Milton not that of the English language, *ib.*—its style much restored by Dr. Southey, *ib.*—remarks on the verb 'worsen' and 'greaten,' *ib. et seq.*—English vulgarisms mostly correct Saxon expressions gone out of use, 340—in correct English, two styles, colloquial and literate, *ib.*—words derived from the Greek chiefly confined to the learned, *ib.*—Greek first taught at the University of Oxford, in the reign of Henry VIII., and at Cambridge in that of Edw. VI., *ib.*—remarks on the use of double negatives, 341—on double superlatives, 342—on the use of certain verbs, 343 *et seq.*—on the modifications of words for the sake of euphony, 345—of the Saxon pronoun *Ic* or *Ich*, *ib.*—instances of Cockney dialect, 346 *et seq.*—of other dialects, 347—derivation of certain English vulgarisms, 348 *et seq.*—of certain slang phrases, 349—propriety of composition different in different ages, *ib.*—also the adoption and rejection, use and meaning of words, 350 *et seq.*—loss of words between the reign of William the Conqueror and the 17th century, 353.

Notes and Proceedings of the House of Commons.—Parliamentary Papers. Session 1834, 427.

Van Diemen's Land, 18—its rapid advance in Literature, *ib.*—false representations of it as a mere penal colony, 19—qualifications affording a favourable prospect of success, *ib.*—circumstances vitiating the emigration of a reputable settler, 20—statement of his natural course of proceedings and prospects on his arrival, *ib.*—condition of the vagrant population, *ib.*—government notices respecting the inroads of the natives, 22 *et seq.*—measures of the government ineffectual, 23—plan of the government in concert with the colonial inhabitants to drive the natives into a corner, *ib. et seq.*—failure of the expedition in its chief intention, but not wholly so in its results, 24—endeavours to conciliate the natives, 25—descriptions of their person and character, and small probability of effecting any permanent civilization of them, *ib. et seq.*—instance in proof of it, 26—Remarks on the Prison Discipline of the Colony, 27—evidence of Mr. Gibbon Wakefield that transportation is not felt as a punishment by those in Newgate under sentence of it, 27—that of Messrs. Busby and Macqueen that there is no cause to feel it such, 28—causes operating against the advancement of Emancipists in future, *ib.*—leading principles in the punishment of convicts in the colony, 29—Dr. Ross's account of the proceedings with the convicts on their landing in the Colony, *ib. et seq.*—government regulations respecting the allowances to convicts by their Masters, 30 *et seq.*—remarks on the excellence of the system of assignment in Van Diemen's Land as compared with labour in the gaols at home, 32—restrictions on the convict, 33—conduct of the severer kind of masters to the convicts, 34 *et seq.*—remarks on flogging as a punishment, 35—on the minor kind of punishments, 36—description of the punishment at Macquarrie Harbour, *ib.*—instances of incorrigibility in some of the convicts, James Williams, 37—Edward Hughes, 38—William McCorville, John Mayo, Edward Broughton, 39—Jeffries, 40—remarks of Dr. Ross on severe punishments, *ib. et seq.*—inefficacy of capital punishment, 42 *et seq.*—Transportation Act 43—Standing Instructions for the Regulation of the Penal Settlement on Tasman's Peninsula, 44 *et seq.*—Indulgences, 48—statement proving the favorable effects of Prison Discipline in Van Diemen's Land, 49—brief account of the Female Prisoner Servants, 50—government plan for sending out respectable females to the colony, 51.

..... Almanack for the year 1833, 18—extract, Government Notice respecting the natives of Van Diemen's Land, 22.

..... Annual and Hobart Town Almanack for the year 1833, &c. 18—extracts; Dr. Ross's account of the Government proceedings with the convicts on their arrival, 29—regulations respecting their allowances of food and clothing, 30 *et seq.*—their labour in the colony compared with that in the gaols at home, 32—instances of the inefficacy of severe punishment, 37 *et seq.*—Dr. Ross's treatment in proof of the favorable results of the system of Prison Discipline in the colony, 49.

Voyage dans le District des Diamans et sur le Littoral du Bresil, &c. &c. &c. Par Auguste de Saint-Hilaire, 297—extracts ; description of a temporary village in the vicinity of the mines, 308—of the village of Chapada and its inhabitants, 309—of the gardens of Tijuco, 310—of the Brazilian woods, 311—hermits of Serra da Piedade, 313—the extraordinary case of Sister Germaine and the credulity of the people respecting her, 314 *et seqq.*—character of the Portuguese merchants in Brazil, 318.

W.

Washington, general, anecdote of, 74.

Whigs, character of their proceedings and policy, 185 *et seq.*

Window Duty, remarks on its scale of rating, 163.

INDEX OF NAMES.

ABRASSIDES, 378, 379
 Abd-Allah ben Abou'l-Hejaz, 387
 Abd-Allî 379
 Abd-ar-Rahmân ben Moaire ben Hâshim, 378
 Abd-ar-Rahmân II. 479
 Abd-ar-Rahmân III. 379
 Abou Isaak Mohammed ben Al-Kâsim al-Geibani, 379
 Abou Abd-Allah Mohammed al-Ansârî, 387
 Abou Bekr Mohammed ben Kheir ben Khalifa, 381
 Abou Mohammed Abd-al-Majîd ben Abdoum, 391
 Abou Nawâs, 390
 Abou Omar Mohammed ben Yakoub al-Kindî, 379
 Abou Yakoub al-Faisolî, 381
 Abou'l-Kâsim, -Mohammed ben Omar 'ar-Zargashari, 387
 Abou'l-Alâ, 390
 Abou Bekr al-Kodhai ibn al-Abar, 387
 Abou'l-Ahtal, 388
 Abou Zeid Abd-ar-Rahmân al-Jayâdeni, 390
 Adair, sir Rob. 86
 Agag, 63
 Agatharchides, 303
 Agnew, sir A. 199
 Agrippa, king, 139
 Ahmed ben Mohammed ben Adhâshâ, 380, 388
 Ahmed ben Abd-al-Mâlik ben Hâshim, 380
 Ahmed ben Said al-Hamdani, 380
 Ahmed ben Mohammed ben Kâdim 381
 Aikin, Miss, 342
 Al-Adaghel, 378
 Al-Bousîrî, 390
 Alba, duke of, 385
 Albuquerque, duke of, 385
 Alexander, emp. 127
 Al-Hakem I, 379, 380
 Al-Kodhai, 38, 387
 Al-Mansour, 379
 Al-Mondher, 379
 Al-Motepabbi, 390

Al-Togrâi, 390
 Ali ben Abd ar-Rahmân ben Hazil, 390
 Allen, H. 89
 Alphonso X. 382, 393
 Althorp, lord, 165, 215, 430, 432
 Alva, duke of, 336
 Amrou ben Al-Aas, 391
 Amrou'l-Kais, 390
 Anne, princess, 426
 Anne, queen, 156, 333, 421
 Antoninus, 64
 Ardinghelli, card, 490
 Argyle, 82, 83, 418, 419
 Arkwright, Mr. 169
 Armageddon, 212, 214
 Armari, 136
 Arnold, T. J. 52, 54
 Artaud, A. F. 484, 489, 490, 493, 494
 Ascham, Roger, 341, 350
 Ashe, capt. 297
 Augustine, St. 394
 Augustus, 379
 Autronius, 98
 Ayala, Fernan Perez de, 393
 Ayeshâ, 380
 Bacon, lord, 196, 343
 Bagotti, Jos. 135
 Balcarras, 420
 Balle, Hugo, 327
 Bangor, bishop of, 323, 324
 Banks, sir Jos. 444, 472
 Banyard, Robert, 326
 Barillon, 415
 Barlings, abbot of, 324
 Barrett, Mr. 53
 Barton, Robert de, 325
 Bathurst, earl, 446
 Baudin, 472
 Baxter, 412
 Beccarin, 130
 Bedford, Lucie, countess of, 342
 Bello, abbot de, 332
 Bena, 129
 Benavente, count of, 385
 Beni'l-Afâs, 391
 — ni Nasar, 387
 — ntham, Jeremy, 1, 13, 16, 75, 115, 208

- Bere, Ric. de la, 326
 Berebers, 378
 Berry, duchess of, 125
 Beza, 352
 Biddle, Mr. 287, 288
 Bignon, M. 485, 486
 Bish, Mr. 435
 Blount, 352
 Bobbin, Tim, 348
 Bocca, 140
 Bode, baron de, 429
 Bolton, Henry de, 327
 Bonaparte, 212
 Bonrepaux, 422
 Bordwine, J. 480, 483
 Borgia, Cæsar, 493, 494
 Bossard, Hugo, 226
 Botta, 132
 Bowdler, Mrs. 87
 Bowring, J. 1, 154, 218, 257, 260, 261, 264
 Bradeshagh, William de, 326
 Bride, Ade, 327
 Brisbane, sir T. 446
 Brok', Roger de, 326
 Brougham, lord, 103, 104, 108, 109, 113, 115, 116, 353
 Brougham, Mr. 215
 Broughton, Edw. 39, 40
 Buckingham, duke of, 159
 Buckingham, Mr. 429
 Buddha, 238, 239, 240, 241
 Burke, Bettie, 79
 Burke, Edmund, 8
 Burnett, Bishop, 417
 Burns, 348, 352
 Busby, Mr. James, 28
 Byron, lord, 139

 CAAB ben Zoheir, 390
 Cacus, 9
 Cæsar, 64, 391
 Cæsar, Julius, 92, 97, 98, 101, 102, 212, 484
 Calderon, 394
 Calhoun, Mr. 282
 Cambreleng, Mr. 287
 Camden, 350
 Carlisle, Bishop of, 324
 Carile, prior of, 324
 Carin'chael, rev. H. 441, 451, 454
 Carleton, don Santos, 386
 Causaubon, Dr. Marcus, 344
 Cauri, 388
 Castile, admiral of, 385
 Castlereagh, lord, 58
 Castro, count of, 385
 Catiline, 91, 92, 94, 95, 96, 97, 98, 99, 100, 102
 Caxton, 337
 Cervantes, 394
 Chalmers, 463
 Chalmers, Dr. 6, 338, 339
 Chang, 240
 Charles I. 332
 Charles II. 63, 78, 157, 167, 172, 212, 373, 400, 405, 409, 413, 416, 418, 421
 Charles III of Spain, 393
 Charles IV of Spain, 393
 Charles V of Spain, 385, 387, 392
 Charles Edward, 81, 83, 88
 Chaucer, 341, 342, 343, 344, 345, 349, 350, 351, 352
 Chaundeler, Roger, 327
 Cheke, sir John, 340
 Cherbuliez, 140
 Chester, bishop of, 159
 Cheves, Mr. 285, 286, 287
 Chissebech, R. de, 326
 Christian, Frederick, 122
 Chrysostom, St. 386
 Churchill, lord, 404, 406, 425, 426
 Churchill, lady, 426
 Cicero, 91, 92, 95, 97, 98, 99, 100, 101
 Christ, 316, 317
 Cirencester, abbot of, 324
 Clarendon, 78, 407, 411
 Clarke, Dr. Adam, 62, 63
 Cleopatra, 391
 Clerebek', Rob. de, 326
 Clerk, Dr. John, 344
 Clinton, Gov. 74
 Clyfford, 323
 Cobbett, Mr. 205
 Cok', Hugo, 327
 Columbus, 393
 Compton, bishop, 411, 425
 Conde, don Francisco Antonio, 391
 Confucius, 229, 238, 239
 Conrad, emp. of Germany, 387
 Cook, capt., 472
 Cornuayl, sir John, 337
 Coruña, count of, 385
 Cotta, 58
 Crassus, 98, 101
 Craven, 42
 Crew, 412
 Crockford, 160
 Cromwell, Oliv. 12
 Croxford, John de, 326
 Culpepper, col. 425
 Cumberland, duke of, 84, 85, 87

 DA CAMARA, M. 306
 Dal Pozzo, Ferdinando, 118, 119, 120, 121, 122, 123, 124, 125, 128, 129, 130, 131, 132, 133, 136, 137, 138, 139, 140
 Dallely, 76
 Daltymple, 399, 420
 Dampier, 472
 Danby, lord, 425

Dartmouth, lord, 405
David, 64
Davie, Adam, 345
De Witts, 423
Defoe, 386
Devonshire, duke of, 159
Devonshire, earl of, 425
Dhiâ-ad-Dîn Abou Mohammed Abd-Allah al-Khazarajî, 390
Dibdin, Mr. 346
Dilleton, 421
Draco, 301
Drayton, 345
Drumlanrig, lord, 426
Duane, Mr. 288
Duchâtel, count Tanneguy, 261
Dufau, M. 133
Durham, bishop of, 159
Durham, prior of, 324
Duvergier, M. 133
Dyckvelt, 425

EDGEWORTH, Miss, 348
Edward I., 319, 320, 325, 330, 345
Edward II., 321, 322, 323, 324, 325, 329, 330, 332
Edward III., 328, 337
Edward VI., 329, 330, 340
Eilithyas, 303
Eldon, lord, 107, 108
Elizabeth, queen, 332, 336, 342
Erasmus, 340
Exeter, bishop of, 377
Euripides, 350
Ewart, Mr. 111

FAGEL, 426
Fairfax, 344
Fatima, 380
Febrer, 384
Fenelon, 415, 416
Ferdinand and Isabella, 384
Ferdinand, king, 127, 385
Ferdinand VII., 48
Ferdinand, St., 383
Fergusson, 467
Feria, count of, 385
Filangieri, 130
Filicaja, 119
Filmer, sir Rob., 400
Firmin, 410
Flinder, capt., 472
Flint, Mr. 72
Florian, 389
Florio, 342
Fo, 238
Foh, 63
Forbes, rev., 78, 79
Forbes, Duncan, 83, 85
Forby, Mr. 337
Foster, Judge, 54

Fowler, Dr. Edw., 410, 411
Fox, C. J., 162, 338, 400, 405, 415, 422
Francis, emp. of Austria, 128, 127, 128, 130, 131, 132
Franklin, Dr. 276
Fraser, Mr. 85, 86
Freycinet, 472
Freville, baron, 261
Frowyk', Henry de, 326
Fyn, John, 327

GALILEO, 81
Gallatin, Mr., 274, 280, 291
Garcilazo, 394
Gaudet, M. 133
George of Denmark, 426
George I., 346
George IV., 195, 327
George, prince of Denmark, 426
Germaine, sister, 314, 315, 346, 317
Gilberdes of Clare, 323
Gilbert, baron, 342
Gioja, 136
Godolphin, 425
Gomide, Dr., 315, 316
Gonzalez, conde Feiran, 386
Gordon, Mr., 88
Gouge, William, 273, 274, 277
Gourville, 423
Gracchi, 93
Grafton, duke of, 159, 172
Grainger, 340
Grey, lord, 428
Grocyn, William, 340
Grotius, 16
Grove, 411
Gundy, Mr. 74
Gutzlaff, C. 221, 222, 223, 224, 225, 227, 228, 230, 232, 235, 236, 237, 238, 239, 240, 243, 247, 248, 250, 255

HAGHAM, Rob. de, 326
Haine, 160
Hale, 405, 425, 426
Hales, 421, 422
Hallam, 400, 424
Hamilton, Mr. 260
Hampden, 411
Hardy, T. D. 319
Hardyng, 323
Haro, count of, 385
Haroun-ar-Rashid, 379
Harrington, ladie Anne, 342
Harvey, Mr. 429
Hâshim I. 378, 379
Hawkins, 64
Hawley, gen., 85, 86, 87, 88
Hemmylford, Will de, 327
Henry II of Germany, 387

- Henry of Burgundy, 123
 Henry IV of France, 352
 Henry V. 341
 Henry W. 328
 Henry VI. 65, 332
 Hewet, sir C. 426
 Hickes, Dr., 341, 402
 Hickey, Mr., 402
 Higden, 337
 Hita, Alcipreste de, 393
 Hobart, Dr. 75, 76
 Holinshead, 323, 329, 343
 Holmes, 277
 Holmes, 402, 403
 Homer, 352
 Hooke, 99
 Hooker, 352
 Horace, 10
 Hornby, John de, 326
 Horner, Mr., 280
 Hosack, Mr., 74
 Hossack, Mr., 85, 86
 Hughes, Edw., 38
 Hume, David, 412
 Hume, Mr., 319, 320, 333
 Husk, gen., 85
 Hutchinson, Mr., 276, 277

 IBN, AL-ABAR, 379
 Ibn al-Khâtîb, 387
 Ibn Hayân, 380, 381
 Ibn Mâlik, 390
 Infantado, duke of, 394
 Isabella, queen of Spain,
 Islay, earl of, 82
 Ismail ben Mohammed ben Omâr al
 Cordobi, 391

 JACKSON, Robert, 321
 Jackson, general, 274, 287, 288, 289,
 294
 Jaggernaut, 63, 66
 James the Conqueror, 384
 James I., 332, 333, 334, 341
 James I. J., 333, 399, 402, 403, 404, 406,
 407, 409, 411, 413, 414, 415, 416, 417,
 418, 419, 420, 421, 422, 423
 James, VI., 352
 Jayme, Mosén,
 Jeffrey, 40
 Jeffreys, 401, 402, 403, 404, 405, 406,
 409
 Jenkins, William, 403
 Jesus, 64
 Jeu, Roger le, 326
 John, VI., 297
 Johnson, 40
 Johnson, Dr. S. 338, 339, 340, 342, 349,
 352
 Jone, dame, 323
 Jones, Dr. 74

 Jones, Mr. 285
 Joseph, II., 129, 130, 131, 132
 Josephus, 139
 Justi, Emilio, 129

 KEN, 402, 411, 414
 Kennett, 420
 Kepler, 128
 Khâled ben Barmek, 379
 Kin, 232
 King, Dr., 89
 Kirke, col., 401, 406
 Kwan-te, 239
 Kwan-yin, 240, 242

 Lacy, 160
 Laderchi, 136
 Lamb, sir F. 136
 Lang, Dr. J. D. 441, 446, 449, 451, 462,
 470, 473, 475
 Lang, Mr. W. 446
 Langtoft, Peter, 323
 Lanhum, John de, 327
 Laplace, 16
 Lauderdale, 418
 Le, 232
 Leang, 241
 Lee, 160
 Leeds, duke of, 159
 Leibnitz, 488
 L'Estrange, 400, 411
 Leo X. 489
 Lisle, Mrs. 402, 403
 Lloyd, bishop, 411
 London, bishop of, 425
 Louis, baron, 259, 260, 261
 Louis XIV. 415, 423
 Lubna, 380
 Luccock, 297, 308
 Lung-wang, 239
 Luther, 374
 Lydgate, 341, 350
 Lyndhurst, lord, 104
 Lystoe, John de, 326

 MACCULLOCH, 276
 Macdonald, major, 79
 Macdonald, captain, 79
 Macdonald, Mrs. 79
 Macdonald, Miss Flora, 79
 Macdonald, Alex. 79
 Machiavel, 484, 489, 490, 491, 492, 493,
 494
 Machiaveli, 119, 484
 Macintosh, sir J. 115, 319, 328, 399,
 400, 401, 414, 416, 416, 422, 423
 Mackenzie, sir T. 406, 407
 Macleod, Donald, 79, 89
 Al'Corville, 39
 Macquarie, gov. 46
 Macqueen, Mr. Potter, 28

Madison, Mr. 77, 280, 281, 283
 Malbys, Will. de, 326
 Manston, Ric. de, 326
 Manuel, don, 383
 Marc Antony, 391
 March, earl of, 323
 Marcus Aurelius, 64
 Maria Theresa, 128, 129
 Mariam, 381
 Marianna, bishop of, 315
 Marintini, 127
 Marius, 94, 95
 Marius Oustinus, 100
 Marlborough, duke of, 159, 172
 Marocco, C. 135
 Maroncelli, 136, 137
 Martius, 317
 Mary, queen, 332, 387
 Mary Virgin
 Mawe, 297, 302
 Mayo, John, 39
 Mecenas, 379
 Medici, Julian de, 489, 490
 Medina Celi, duke of, 394
 Medina Sidonia, duke of, 385
 Melfort, lord, 420
 Metellus, 94
 Metternich, prince, 136
 Middleton, 405
 Miguel, don, 48
 Mills, rev. Sam., 71, 72
 Miln, Dr., 240
 Milton, 338, 339, 343, 352
 Misley, H. 129, 130, 131
 Mitchell, judge, 277
 Mocenigo, 127
 Mohammed, 63, 378
 Mohammed I., 379
 Mohammed Ali, 318
 Mohammed ben Saibim, 380
 Mohammed ben Yussuf, 380
 Mohammed ben Ya'ya al-Kalfati, 380
 Mohammed ben Mohammed ben Ali-al-Balisi, 388
 Mohammed ben Abd-Allah al-Khatib,
 Mohermeire, sir Rauf, 323
 Monmouth, 402, 403, 421, 423
 Montaigne, 342
 Montanes, Raymundo de, 384
 More, sir T. 352
 Morice, John, 326
 Morocco, emp. of, 406
 Morris, Robert, 378
 Mortuo Mari, Constantine de, 326
 Mosen Tordi, 384
 Mosen Tyme, 384
 Moubray, 323
 Muley Sheikh, 385
 Muley Zeidan, 385
 Müller of Montreal, 128

Murray, lord G. 88
 NAPIER, col. C. 131
 Napoleon, 209, 211, 319, 480, 486, 486,
 Nash, Mr. 195
 Nero, 64
 Newcastle, duke of, 84, 159, 160, 16
 Northumberland, duke of, 159
 OCKLEY, 341
 Oldcastle, sir John, 341
 Omar, Caliph, 391
 Omar ben Abd-Allah ar-Rabi, 388
 Ommiades, 378, 379
 Orange, prince of, 399, 402, 405, 414,
 417, 424, 425, 426
 Ormond, Duke of, 426
 Osuna, duke of, 394
 PAREDES, count of, 385
 Parke, Mr. Justice, 109
 Parke, Mr. 218
 Patrick, 411
 Paul, St. 132, 240
 Paul, emp. 398
 Pearson, 160
 Pedro, don, 297
 Peel, sir R. 33, 169, 465,
 Pegge, Dr. 340
 Pelayo, 379
 Pelham, 81
 Pellico Silvio, 136, 137, 138
 Penleu, Rob. de, 327
 Penn, William, 413, 417
 Percy, 323
 Percy, Henry, de, 325
 Perth, 405
 Peter IV. 384
 Peterborough, bishop, 377
 Peterborough, abbot of, 324
 Petre, 407
 Philip II. 385, 387
 Philip III. 385
 Philip V. 392
 Picombe, Michael de, 396
 Pilate, 64
 Piso, 98
 Pitt, W. 192
 Pitt, earl of Chatham, 84
 Plantagenet, 131
 Pollexfen, 403, 404
 Pombal, 301
 Pompey, 95, 101
 Porras Hiudobro, Francisco de, 322
 Post Mr. 74
 Preffen, Michael de, 325
 Preston, Will. de, 326
 Prond, 278
 Ptolemy, 30
 Puffendorf, 13
 Pulteney, 81

Pym, 411

QUEENSBERRY, DUKE OF, 426

Quetelet, M. Adolphe, 218

Requiesce, William de, 327

Regionsmontanus, 128

Richard, I. 327

Richard, I. 321, 329, 333, 337

Richardson, 343

Ridgeway, 195

Rivadeo countess, 345

Robert of Gloucester, 345

Robertet, 492

Robertson, 392, 463

Robinson, Mr. 25, 26

Robinson, provost, 87

Rocheater, 407

Rolandi, 140

Romagnoli, 136

Ross, D. 29, 42, 49, 50

Ruga, Sigismond, 145

Russell, rev. Dr. J. 334

Russell, lord J. 215

Rutland, duke of, 159

SACK, SYLVESTRE DE, 388

Saint-Hilaire, Auguste de, 297, 299,

301, 302, 303, 304, 305, 307, 308,

310, 311, 312, 313, 317, 318

Salisbury, marquis, 159

Sallust, 89, 91, 94, 95, 96, 97, 98, 99

Salmasius, 80

Salvator Rosa, 404

Samuel, 63

Sancroft, 406, 411

Sandford, Robert de, 325

Santissima Trinitade, father Cypriano

da, 315

Sardanapalus, 12

Saul, 64

Saxe, marshal, 208

Scaliger, 345

Schems-ad-Din Abou Abdallah Mo-

ammed ben Jâbir, 350

Schomberg, duke of, 172

Se, J. P. 403

Seu, sir Walter 342, 348

Seurigliati, Jufes, 492

Semo, Santa Ferrera de, 386

Seu, Mr 136

Shab, 491

Shah, Dîn Abou Al-Abir Ahmed

ben, Dîn Abou al-Oma, 390

Shakt, 339, 340, 342, 343,

352

Shay, 222

Sheen, 60

Sheffield, earl of Mulgrave, 405

Sherlock, 411

Shields, rev. J. 419

Shrewsbury, lord, 425

Sinclair, 155

Sismondi, 129

Skinner, Dr. 344, 352

Sligo, lord, 133

Smirk, Sidney, 195, 196, 198

Smith, Mr. 35

Smith, Adam, 276

Smith, sir Thomas, 340

Smith, Horace, 352

Soderini, 489, 490

Sophocles, 350

Southey, 298, 300, 301, 339, 392

Speght, Mr. 341, 351

Spencer, 323

Spix, 317

Spons, 352

Squadrelli, Andreas, 135

St. Evremond, 423

St. Ferdinand, 383

Stephenson, Mr. 289

Sterne, 317

Stewart, sir H. 444

Stewart, 420

Stewart, Dugald, 6

Stillington, 411

Storey, Mr. Justice, 486

Stowe, 321, 328, 329, 333

Stuart, 82, 125, 406, 424

Steuart, Mr. 73, 74, 76

Suetonius, 98

Sully, 494

Sunderland, lord, 402, 403, 404, 407

Surrey, Jon, erle of, 322

Swift, 149, 344

Sylla, 90, 93, 95, 97, 101

TANEY, MR. R. G. 23, 289

Talleyrand, M. de, 494

Taou, 238,

Tarleton, capt. 386

Taylor, Mr. Edgar, 215, 216, 218, 219

Teen-how, 239

Temple, sir W. 423, 494

Tennyson, 411

Thomas, Erle, 323

Thomas, St. 394

Thomson, Mr. 87

Thomson, Mr. P. 261, 262

Tiberius, 64

Tillotson, 411

Titus, 64

Titus, col. 413

Todd, Mr. 338, 339

Tomkins, 304

Tordi, Mosen, 384

Ternatus, 98, 99

